

CITY OF NEWTON
IN BOARD OF ALDERMEN
FINANCE COMMITTEE AGENDA

MONDAY, JUNE 14, 2010

7:00 PM
Room 222

ITEMS SCHEDULED FOR DISCUSSION:

- #164-10 HIS HONOR THE MAYOR requesting authorization to appropriate and expend seven hundred twelve thousand one hundred twenty-six dollars (\$712,126) from Free Cash for the purpose of funding potential prior year collective bargaining requirements for Fiscal Years 2007 through 2009. [06/01/10 @ 5:11 PM]
- #131-10 HIS HONOR THE MAYOR requesting authorization to accept and expend a grant from Federal Emergency Management Agency (FEMA) FY'09 Assistance to Firefighters Grant Program for fifty-six thousand three hundred seventy-eight dollars (\$56,378) and appropriate fourteen thousand ninety-four dollars (\$14,094) from Free Cash to the federal grant fund for the purpose of providing the local share of the grant program, which will be used to provide emergency vehicle operations training. [04-27-10 6:06 PM]
- #145-10 HIS HONOR THE MAYOR requesting an appropriation of fifty thousand dollars (\$50,000) from Free Cash to the Fire Injured on Duty Medical Account to fund ongoing medical expenses through June 30, 2010. [5-11-10 @ 3:10 PM]
- #167-10 HIS HONOR THE MAYOR requesting authorization to appropriate and expend four hundred seventy-three dollars (\$473) from the Receipts Reserved for Appropriation Fund/Fire Prevention Fines, which funds are restricted for fire prevention purposes, to purchase 5 ticket books. [06/01/10 @ 5:10 PM]
- #166-10 HIS HONOR THE MAYOR requesting authorization to appropriate and expend fourteen thousand six hundred dollars (\$14,600) from Free Cash to the Public Buildings Department for the purpose of funding enhanced landscaping related to the renovation project at Fire Station #4 at 195 Crafts Street. [06/01/10 @ 5:10 PM]
- #168-10 HIS HONOR THE MAYOR requesting transfers of two thousand dollars (\$2,000) from the postage account and two thousand five hundred dollars (\$2,500) from the printing account in the Health & Human Services Department to establish a Capital Account for the purpose of purchasing 3 laptop computers. [06/01/10 @ 5:08 PM]

- #163-10 HIS HONOR THE MAYOR requesting authorization to appropriate and expend the sum of fifteen thousand dollars (\$15,000) from the Commonwealth Golf Course Mayor's Golf Day Receipts Reserved for Appropriation Fund for youth attending Parks and Recreation camp programs. [6-1-10 @ 5:07 PM]
- #169-10 HIS HONOR THE MAYOR requesting a transfer of \$30,000 from Free Cash to the Planning & Development Department to replace office furniture and supplies that were lost due to flooding from the March 2010 storms. [06/01/10 @ 5:09 PM]
- #165-10 HIS HONOR THE MAYOR requesting authorization to appropriate and expend one hundred fifty thousand dollars (\$150,000) from the Riverside Traffic Mitigation Fund (special permit #40-97(2) and board order #155-00) for the purpose of installing traffic calming measures at Grove, Hagar, Concord, and Cornell Streets and Pine Grove Avenue as previously approved by the Board of Aldermen in board order nos. 21-05(5) and 342-08. [06/01/10 @ 5:11 PM]

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #106-10 HIS HONOR THE MAYOR proposing amendments to Chapter 11, Recycling and Trash, of the City of Newton Revised Ordinances 2007. [03/30/10 @ 4:08 PM]
**PUBLIC FACILITIES APPROVED 5-0-1 (Albright abstaining) on 04-21-10
APPROVED SUBJECT TO SECOND CALL 4-0-2 (Freedman and Fuller
abstaining; Danberg not voting) on 5/24/10
RECOMMITTED TO FINANCE ON 6/7/10**

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #170-10 HIS HONOR THE MAYOR requesting authorization to appropriate and expend (A) seventy nine thousand five hundred dollars (\$79,500) from the Receipts Reserved for Appropriation Fund-Sale of Recyclables to fund the first year of a three-year lease-to-own a new front end loader and (B) eighty five thousand dollars (\$85,000) to purchase a new Allu heavy-duty compost material processing attachment for use in the composting operation at Rumford Avenue. [6/1/10 @ 5:05 PM]
**PUBLIC FACILITIES APPROVED 6-0-2 (Gentile and Salvucci not voting)
on 6/9/10**

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #171-10 HIS HONOR THE MAYOR requesting authorization to transfer the sum of sixty two thousand dollars (\$62,000) from DPW Salaries Expense to the Department of Public Works Environmental Affairs to cover the additional cost of residential solid-waste collection from the increased residential debris that resulted from the March 2010 storms. [6/1/10 @ 5:08 PM]
PUBLIC FACILITIES APPROVED 8-0 on 6/9/10

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

- #87-09 ALD. SANGIOLO, BRANDEL, FREEDMAN AND HESS-MAHAN requesting a Home Rule Petition to allow the City of Newton to require elected officials to contribute a higher percentage rate for health insurance benefits than is required for other employee groups. [03-10-09 @ 9:17 AM]
PROGRAM & SERVICES APPROVED 5-1-1 (Baker opposed; Merrill abstaining; Parker not voting) on 4/15/09

ITEMS NOT SCHEDULED FOR DISCUSSION:

- #78-10 ALD. FULLER, GENTILE, FREEDMAN, JOHNSON, DANBERG AND BAKER requesting a review of the elements of the Financial Management Guidelines of January 2008, together with the Mayor's Office, to ensure they meet the current needs of the City. [03/09/10 @8:23 AM]

REFERRED TO ZONING & PLANNING AND FINANCE COMMITTEES

- #391-09(2) ALD. DANBERG, MANSFIELD, VANCE & HESS-MAHAN requesting the establishment of a municipal parking mitigation fund whose proceeds, derived from payments-in-lieu of providing off-street parking spaces associated with special permits, will be used solely for expenses related to adding to the supply of municipal parking spaces, improving existing municipal parking spaces, or reducing the demand for parking spaces.

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

- #363-09 ALD. SANGIOLO requesting a discussion to increase the tobacco seller license fee. [09/13/09 @ 1:07 PM]

REFERRED TO COMM. PRES., PUB FAC & FINANCE COMMITTEES

- #147-08 COMMUNITY PRESERVATION COMMITTEE recommending that the sum of \$359,400, including \$2,000 for legal costs, be appropriated from the FY'08 Community Preservation Fund's historic resources and general reserves, for a project to rehabilitate and expand storage space for the research library and archives at the Newton History Museum, to preserve the existing collections, and enhance public access to the collections. [04-01-08 @ 4:10 PM]
COMMUNITY PRESERVATION APPROVED 6-0 on 4-29-08
(A) DESIGN FUNDS ESTIMATE \$37,500.00 – BOA APPROVED ON 07/21/08
(B) BALANCE OF PROJECT ESTIMATE \$321,900.00 – HELD
PUBLIC FACILITIES VOTED NO ACTION NECESSARY ON PART B 8-0 on 05/05/10
- #207-07(5) ALD. FREEDMAN AND JOHNSON proposing that the city's Financial Management Guidelines adopted under Board Order #207-07 be amended to require that any proposed capital expenditure above a certain amount have a cost-benefit or a return-on-investment analysis performed prior to approval by the Board of Aldermen. [12/21/09 @5:55 PM]

#207-07(4) ALD. COLETTI proposing that the city's Financial Management Guidelines adopted under board order #207-07 be amended to allow the adjustment of self-funded health insurance plan rates in the event that rates and any accumulated excess resources not meet actual resource requirements. [07-02-08 @12:12 PM]

#207-07(2) ALD. COLETTI proposing that the city's Financial Management Guidelines adopted under board order #207-07 be amended, effective FY10, as follows:
(A) total resources devoted to all forms of employee compensation shall not exceed the estimated growth in total general fund revenue for the following fiscal year;
(B) funds for salary and wage adjustments shall not exceed the difference between total estimated revenue growth and resources needed to fund growth in health/dental and life insurance benefits and growth in the actuarial required contribution for the city's retirement system for each fiscal year;
(C) if collective bargaining contracts are not resolved at the time of budget submission, funds budgeted for such contracts shall be held in "municipal and compensation" reserve. [07-02-08 @12:12 PM]

Respectfully Submitted,

Leonard J. Gentile, Chairman



SETTI D. WARREN
MAYOR

City of Newton, Massachusetts
Office of the Mayor

#164-10

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(617) 796-1100

Facsimile
(617) 796-1113

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(617) 796-1089

E-mail
swarren@newtonma.gov

June 1, 2010

Honorable Board of Aldermen
Newton City Hall
1000 Commonwealth Avenue
Newton, MA 02459

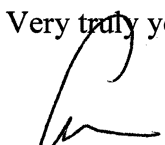
Ladies and Gentlemen:

I write to request that your Honorable Board docket for consideration a request to appropriate the sum of \$712,126 from Free Cash for the purpose of funding potential prior year collective bargaining requirements.

As you know, the Police Patrolman's Union contract is currently before an arbitrator. The FY2010 and FY2011 Budgets contain a wage reserve for the potential contract settlement, however, there is no reserve for the prior year requirements for Fiscal Years 2007 through 2009.

Thank you for your consideration of this matter.

Very truly yours,


Setti D. Warren
Mayor

From:	Free Cash	
	01-3497	\$712,126
To:	Wage Reserve	
	0110498-5197	\$712,126


06/01/2010

10 JUN - 1 PM 5:11
CITY CLERK
NEWTON, MA 02159

1000 Commonwealth Avenue Newton, Massachusetts 02459

www.newtonma.gov



DEDICATED TO COMMUNITY EXCELLENCE

CITY OF NEWTON, MASSACHUSETTS
GENERAL FUND
FREE CASH STATUS

July 1, 2009 Certified Free cash \$ **6,697,571**

Appropriations:

#359-09	Supplemental DPW snow and ice funding	(1,475,000)
#359-09	Supplemental Parks snow and ice funding	(455,000)
#374-09	Environmental remediation funding	(25,000)
#373-09	Tree maintenance supplemental funding	(37,543)
#54-10	School roof evaluations	(16,845)
#72-10	Municipal building maintenance	(111,524)
#73-10	Environmental remediation	(60,000)
#82-10	DPW paving supplies	(150,000)
#81-10	June 2010 new NNHS operations	(91,000)
#71-10	Fire overtime	(400,000)
#121-10	2011 Budget	(1,900,000)
	Total appropriations	(4,721,912)

Pending appropriations:

Labor counsel supplemental funding	(100,000)
DPW snow and ice control	(72,000)
City Hall basement flooding clean up	(120,000)
Fire Federal grant matching funds	(14,094)
Fire Injured on duty medical bills	(50,000)
Parking ticket contract	(20,000)

Total pending appropriations (376,094)

Designated - PY police collective bargaining (712,126)

Available for appropriation \$ **887,439**

10 JUN - 1 PM 5:24
CITY CLERK
NEWTON, MA. 02159



SETTI D. WARREN
MAYOR

City of Newton, Massachusetts
Office of the Mayor

#131-10

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E-mail
swarren@newtonma.gov

April 27, 2010

Honorable Board of Aldermen
Newton City Hall
1000 Commonwealth Avenue
Newton, MA 02459

Ladies and Gentlemen:

I request that your Honorable Board docket for consideration a request to accept and expend a grant from FEMA's FY 2009 Assistance to Firefighters Grant program. The total cost of the approved project is \$70,472, of which the federal share is \$56,378 (80%) and the local share is \$14,094 (20%).

I respectfully request that the City's matching fund requirement of \$14,094 be appropriated from Free Cash into the federal grant fund.

The grant will be used to provide emergency vehicle operations training for our fire/rescue personnel. It will cover the costs of a driving course provided by the Central Massachusetts Safety Council, as well as the backfill costs associated with the training time.

Thank you for your consideration of this matter.

Very truly yours,

Setti D. Warren
Mayor

10 APR 27 PM 6:06
CITY CLERK
NEWTON, MA. 02159

1000 Commonwealth Avenue Newton, Massachusetts 02459

www.newtonma.gov



DEDICATED TO COMMUNITY EXCELLENCE



CITY OF NEWTON, MASSACHUSETTS
FIRE DEPARTMENT HEADQUARTERS

1164 Centre Street, Newton Center, MA 02459-1584
Chief: (617) 796-2210 Fire Prevention: (617) 796-2230
FAX: (617) 796-2211 EMERGENCY: 911

#131-10



Setti D. Warren
Mayor

Joseph E. LaCroix
Chief

March 31, 2010

Honorable Setti D. Warren, Mayor
City of Newton
1000 Commonwealth Avenue
Newton, MA 02459

Dear Mayor Warren:

I am respectfully requesting that you authorize the approval of funds, in the amount of \$14,094.00, for the city's portion of the FY 2009 Assistance to Firefighters Grant awarded to the Newton Fire Department in the amount of \$70,472.00.

This Federal grant is to provide emergency vehicle operations training for our personnel.

Thank you for your consideration in this matter.

Very truly yours,

Joseph E. LaCroix
Chief of Department

JEL/cf

cc: Sarah Ecker



FEMA

Mr. Joe Lacroix
Newton Fire Department
1164 Centre Street
Newton, Massachusetts 02459-1584

Re: Grant No.EMW-2009-FO-09140

Dear Mr. Lacroix:

On behalf of the Federal Emergency Management Agency (FEMA) and the Department of Homeland Security (DHS), I am pleased to inform you that your grant application submitted under the FY 2009 Assistance to Firefighters Grant has been approved. FEMA's Grant Programs Directorate (GPD), in consultation with the U.S. Fire Administration (USFA), carries out the Federal responsibilities of administering your grant. The approved project costs total to \$70,472.00. The Federal share is 80 percent or \$56,378.00 of the approved amount and your share of the costs is 20 percent or \$14,094.00.

As part of your award package, you will find Grant Agreement Articles. Please make sure you read and understand the Articles as they outline the terms and conditions of your grant award. Maintain a copy of these documents for your official file. **You establish acceptance of the grant and Grant Agreement Articles when you request and receive any of the Federal grant funds awarded to you.** By accepting the grant, you agree not to deviate from the approved scope of work without prior written approval from FEMA.

If your SF 1199A has been reviewed and approved, you will be able to request payments online. Remember, you should request funds when you have an immediate cash need.

If you have any questions or concerns regarding the awards process or how to request your grant funds, please call the helpdesk at 1-866-274-0960.

Sincerely,

A handwritten signature in black ink, appearing to read "Timothy W. Manning".

Timothy W. Manning
Deputy Administrator for National Preparedness and Protection

Narrative Statement

Project Description

* Please indicate which of these Target Capabilities your request outlined in this application will satisfy. Check all that apply:

Responder Safety and Health

* Please provide your narrative statement in the space provided below. Include in your narrative, details regarding (1) your project's description and budget, (2) your organization's financial need, (3) the benefit to be derived from the cost of your project, and (4) how the activities requested in your application will help your organization's daily operations and how this grant will protect life and property.

Project Description:

The City of Newton is seeking an Aid to Fire Departments Grant in the amount of \$70,472.00 to provide emergency vehicle operations training for our personnel.

The 184 member Newton Fire Department provides fire suppression, fire prevention, public education, first response EMS, hazmat and technical rescue services to the residents and businesses that call Newton home.

Six Engine companies, Two Ladder companies and two ALS units serve the community from six fire stations. The Department has four groups of firefighters (30 firefighters, 7 Lieutenants, 2 Captains and a Deputy Chief) working an average 42 hour week. The Staff functions account for an additional 20 personnel. The Department has averaged 7,800 runs a year over the last several years. Newton is also part of the Fire District 13 mutual aid consortium, comprised of thirty five communities that include Boston and is part of the Massachusetts Fire Marshal's Statewide Fire Mobilization task force.

The City of Newton is a community of 84,600+ residents covering an area of 18.33 square miles. Newton is located on the western border of Boston. It is estimated that the city's population triples during the normal work week due to the commercial/industrial and retail occupancies as well as the five colleges in the City.

Four interstates highways (Routes 90 East/West and Routes 95 North/South), US Route 9 and Route 30 transect the city, bringing with it traffic and well as "growing pains" due to increased demands on public safety, public works, the school system and the city's infrastructure.

We have many identified potential targets for terrorism that the Newton Fire Department is charged with providing fire, rescue, EMS, hazmat and technical rescue services for. Among the critical infrastructure that the Newton Fire Department protects is the Massachusetts Turnpike (Route 90) with the CSX rail line running parallel with it.

The City is divided into several villages with apartments and/or office space over commercial occupancies. Newton's housing mix ranges from small single and two family homes to large single family homes to the south and east. Many Churches as well as two high schools and 4 middle schools and 14 elementary schools are in the Newton Public School System. Newton is also the home of five Colleges and Theological Schools.

The need for funding:

The City has been affected by the economic downturn the country has experienced since the terrorist attacks of 9/11, and the prediction of revenues from state aid, property taxes and other local receipts is an inexact science. Unfunded State and Federal mandates for education, as well as the costs incurred within the Newton Public Schools takes up 55% of the City's annual operating budget.

Lowered property valuations due to the economic downturn and the constraints of Massachusetts' tax limitation law known as "Proposition 2 and half" have made funding for the cities and towns of the Commonwealth a challenge each fiscal year.

As in most communities with career departments, salaries, benefits, educational and EMS stipends are the major part of the fire department budget. In Newton, it accounts for 95% of the budget. The remaining 5% is allocated for vehicle repair and maintenance, fuel, utilities, maintenance of the communications systems and fire department equipment. The Newton Fire Department training budget of \$1,800 only allows for in service training at the Company/Group level. It is insufficient for sending the entire department through training programs conducted by outside agencies or a municipal hire from the Massachusetts Firefighting Academy.

Funding the grant request for emergency vehicle operations will greatly enhance the safety of our firefighters, the firefighters of our mutual aid communities and the safety of the residents of the City of Newton and our surrounding communities.

The cost of the Emergency Response/Decision driving course conducted by the Central Massachusetts Safety Council and the necessary backfill would be \$70,472. The cost averages out to be \$383 per firefighter and would train the Newton Fire Department to the standards put forth in NFPA 1002 Driver Operator.

The grant request is to provide the above training to each firefighter, company officer and chief officer to enhance their safety responding to and from calls.

The City of Newton does have the funding for the 20% contribution required for the grant.

Project Benefits: Emergency Response/Decision Driver Training

Responding to an emergency, whether it be a fire, motor vehicle accident, medical emergency or other type of call is considered to be one of the most dangerous things a firefighter does during the course of his/her tour of duty. There are so many variables, such as the time of day, weather conditions and the most unpredictable of all: the actions of the motorists we share the road with. Drivers chatting and texting on their cell phones, listening to car stereos so loud they can be heard over the sirens/air horns and distracted in other ways have made responding to emergencies challenging, and in some instances, deadly.

Every 12 minutes someone dies in a car crash. At 40,000 fatalities a year, motor vehicle accidents are deadlier than all natural disasters combined. Firefighters respond to motor vehicle accidents on a daily basis and unfortunately become accident victims themselves.

Between 2004 and 2007, out of the 336 line of duty firefighter deaths within that time frame, sixty two of them (18.4% of the total) occurred while responding and returning to quarters. Thousands more have been injured; all of these line of duty deaths and lost time accidents have an economic effect on the fire department. Personnel must be replaced to maintain staffing levels, and for those firefighters who must retire due to injury, the cost of hiring and training replacement personnel can be quite expensive.

Apparatus accidents are costly, as is the litigation that invariably follows should the driver and officer commanding the apparatus be found at fault in an accident. It is much less costly to train fire personnel how to operate fire apparatus safely to avoid accidents and drive defensively to begin with.

The Newton Firefighters have not had the benefit of this specialized driver training. Driver training conducted by our more experienced driver operators cannot approach the level taught by the professional driving instructors of the Central Massachusetts Safety Council's Emergency Response/Decision Driving training program. Among the skills they teach are accident avoidance, skid control, threshold braking, braking with antilock (ABS) braking systems, emergency lane changes and driving in and out of traffic at various speeds. The course consists of classroom prep, going over the rules of the road for emergency vehicles according to Chapter 90 of the Massachusetts General Laws and the rules and regulations of the training facility. The practical portion of the course involves running the road course in a specially equipped car, followed by a second run of the course in a fire truck.

In fire apparatus accidents, everybody loses. Safer drivers mean less accidents, less lost time injuries due to accidents and safer responses to and from emergencies so that "everyone goes home" at the end of their tour of duty.

Enhancement and impact on daily operations:

The emergency response/decision driving program would make our firefighters and community safer by teaching our personnel the skills to properly react to avoid motor vehicle accidents, arrive to and return from the scene of incidents safely, preventing injuries due to apparatus vs. motor vehicle accidents, saving both money and lives.

One of the missions of the Newton Fire Department is to provide for the safety of life, property, and protection of the environment by serving in a safe and professional manner through the efforts of public education, prevention, fire suppression activities, response to medical emergencies, and mitigation of hazardous conditions. With the integrity, courage, and spirit of the fire service, we will endeavor to preserve the quality of life enjoyed by our community.

We need the funding for this training to help us carry out this mission and protect our community.

On behalf of Mayor David Cohen, the Men and Women of the Newton Fire Department and the residents of the City of Newton, thank you for your past support and for your consideration in funding our grant request.

* Please describe all grants that you have received from DHS including any AFG grants received from DHS or FEMA, for example, 2002 AFG grant for vehicle or 2003 ODP grant for exercises. (Enter "N/A" if Not Applicable)

#145-10



SETTI D. WARREN
MAYOR

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Office of the Mayor

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E-mail
swarren@newtonma.gov

May 11, 2010

Honorable Board of Aldermen
Newton City Hall
1000 Commonwealth Avenue
Newton, MA 02459

Ladies and Gentlemen:

I write to request that your Honorable Board docket for consideration a request to appropriate the sum of \$50,000 from Free Cash to the Fire Injured on Duty Medical Account, Acct # 42B210, for the purpose of funding ongoing medical expenses through June 30, 2010.

Thank you for your consideration of this matter.

Very truly yours,

Setti D. Warren
Mayor

SDW: sce

10 MAY 11 PM 3:10
CITY CLERK
NEWTON, MA 02159

From: Free Cash
01-3497 \$50,000
To: Workers Compensation
Fire IOD
0110492-575007 \$50,000

[Handwritten signature]
05/12/2010

1000 Commonwealth Avenue Newton, Massachusetts 02459

www.newtonma.gov



DEDICATED TO COMMUNITY EXCELLENCE

City of Newton



Setti D. Warren
Mayor

DEPARTMENT OF HUMAN RESOURCES

1000 Commonwealth Avenue
Newton Centre, MA 02459-1449

Telephone (617) 796-1260
FAX (617) 796-1272

DOLORES M. HAMILTON, DIRECTOR

May 11, 2010

Mayor Setti D. Warren
Honorable Board of Aldermen
City of Newton
1000 Commonwealth Avenue
Newton Centre, MA 02459

Dear Mayor Warren and Honorable Board of Aldermen:

I respectfully request and recommend that the sum of \$50,000 be appropriated to the Fire Injured on duty medical account, Account Number 42B210, to fund ongoing medical expenses.

This will enable the City to meet its obligation to pay medical bills for members of the fire departments who have been injured on duty through June 30, 2010.

Sincerely,

A handwritten signature in cursive script, appearing to read "Dolores Hamilton".

Dolores Hamilton,
Director of Human Resources

Cc: Joseph E. LaCroix,, Chief, Newton Fire

COMPTROLLER'S OFFICE

DATE: 05/12/2010

TIME: 14:33:01

CITY OF NEWTON, MASSACHUSETTS

EXPENDITURE STATUS REPORT

PAGE NUMBER: 1

EXPSTA11

SELECTION CRITERIA: orgn.fund='42' and orgn.orgn1='42B'

ACCOUNTING PERIOD: 11/10

SORTED BY: PROGRAM,ACCOUNT

TOTALLED ON: PROGRAM

PAGE BREAKS ON:

PROGRAM-42B201 POLICE IOD MEDICAL

ACCOUNT	TITLE	BUDGET	PERIOD EXPENDITURES	ENCUMBRANCES OUTSTANDING	YEAR TO DATE EXP	AVAILABLE BALANCE	YTD/ BUD
5371	MEDICAL SERVICES	75,000.00	.00	.00	16,564.57	58,435.43	22.09
5FORWARD	PRIOR YEAR BUDGET FWD	9,298.70	.00	.00	.00	9,298.70	.00
	TOTAL POLICE IOD MEDICAL	84,298.70	.00	.00	16,564.57	67,734.13	19.65
PROGRAM-42B210 FIRE IOD MEDICAL							
5371	MEDICAL SERVICES	75,000.00	1,520.42	.00	146,981.41	-71,981.41	195.98
5FORWARD	PRIOR YEAR BUDGET FWD	.84	.00	.00	.00	.84	.00
	TOTAL FIRE IOD MEDICAL	75,000.84	1,520.42	.00	146,981.41	-71,980.57	195.97
TOTAL REPORT		159,299.54	1,520.42	.00	163,545.98	-4,246.44	102.67

113 Forward 6/20/2009
2010 Appropriation

9,299.54
151,000.00
159,299.54

✓



SETTI D. WARREN
MAYOR

City of Newton, Massachusetts
Office of the Mayor

#167-10

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swarren@newtonma.gov

June 1, 2010

Honorable Board of Aldermen
Newton City Hall
1000 Commonwealth Avenue
Newton, MA 02459

Ladies and Gentlemen:

I write to request that your Honorable Board docket for consideration a request to appropriate the sum of \$473 from the Receipts Reserved for Appropriation Fund, Fire Prevention Fines for the purpose of funding the purchase of five (5) ticket books.

Thank you for your consideration of this matter.

Very truly yours,

Setti D. Warren
Mayor

From: Fire Code Violation Fines
Receipts Reserved
14M210-5901 \$473
To: Fire Code Violation
Books
C210055-5342 \$473

10 JUN - 1 PM 5:10
CITY CLERK
NEWTON, MA. 02459

1000 Commonwealth Avenue Newton, Massachusetts 02459

www.newtonma.gov



DEDICATED TO COMMUNITY EXCELLENCE

Maureen Lemieux

From: "Wilkinson David, Comptroller City of Newton" <dwilkinson@newtonma.gov>
To: mlemieux@newtonma.gov
Date sent: Thu, 27 May 2010 13:46:39 -400
Subject: fire department fy 2010 appropriation request
Copies to: jlacroix@newtonma.gov
Priority: normal

Maureen,

Massachusetts municipal finance laws have changed to allow fire departments to retain revenues collected from major fire prevention violation fines. All such collections are restricted for fire prevention purposes in the City's Receipts Reserved for Appropriation Fund.

Year to date collections thru April are \$1,900.

The fire chief would like to request that \$473 be appropriated from these fund for the purchase of (5) ticket books.

Please docket a request for this appropriation.

David Wilkinson, Comptroller
City of Newton, Massachusetts
(617) 796-1305
dwilkinson@newtonma.gov

10 JUN - 1 PM 5:23
CITY CLERK
NEWTON, MA. 02159



SETTI D. WARREN
MAYOR

City of Newton, Massachusetts
Office of the Mayor

#166-10

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June 1, 2010

Honorable Board of Aldermen
Newton City Hall
1000 Commonwealth Avenue
Newton, MA 02459

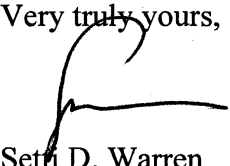
Ladies and Gentlemen:

I write to request that your Honorable Board docket for consideration a request to appropriate the sum of \$14,600 from Free Cash to the Public Buildings Department for the purpose of funding enhanced landscaping for the renovation project at Fire Station #4.

This work was suggested last fall by the members of the Fire Station subcommittee.

Thank you for your consideration of this matter.

Very truly yours,


Seth D. Warren
Mayor

From: Free Cash
01-3497 \$14,600
To: Transfer- Capital Proj. Fund
0110499-593038 \$14,600


06/02/2010

10 JUN - 1 PM 5:10
CITY CLERK
NEWTON, MA 02159

1000 Commonwealth Avenue Newton, Massachusetts 02459

www.newtonma.gov



DEDICATED TO COMMUNITY EXCELLENCE



PUBLIC BUILDINGS DEPARTMENT

Telephone: (617) 796-1600

Fax: (617) 796-1601

TTY: (617) 796-1089

52 ELLIOT STREET

NEWTON HIGHLANDS, MA 02461-1605

Setti D. Warren

Mayor

May 27, 2010

The Honorable Setti D. Warren

Mayor

Newton City Hall

1000 Commonwealth Avenue

Newton Centre, MA 02459

RE: Fire Station #4 Landscaping Funding Request

Dear Mayor Warren:

At the conclusion of the renovation project at Fire Station #4, a suggestion was made to further enhance the landscaping as compared to what was shown on the construction drawings. In November, this was not a time-sensitive issue, and it was suggested that the funding request be made in the spring of 2010.

With the above as an understanding, the Public Buildings Department is requesting the sum of \$14,600.00 for this work.

Please feel free to contact me should you have any questions concerning this request.

Sincerely,

Arthur F. Cabral

Interim Commissioner of Public Buildings

Enclosure

CC: Chief Joseph LaCroix

Robert Rooney, Chief Operating Officer

Maureen LeMieux, Chief Financial Officer

10 JUN - 1 PM 5:23
CITY CLERK
NEWTON, MA. 02159



SETTI D. WARREN
MAYOR

City of Newton, Massachusetts
Office of the Mayor

#168-10

Telephone
(617) 796-1100

Facsimile
(617) 796-1113

TDD/TTY
(617) 796-1089

E-mail
swarren@newtonma.gov

June 1, 2010

Honorable Board of Aldermen
Newton City Hall
1000 Commonwealth Avenue
Newton, MA 02459

Ladies and Gentlemen:

I write to request that your Honorable Board docket for consideration a request to transfer the sum of \$2,000 from the postage account and the sum of \$2,500 from the printing account in the Health and Human Services Department and establish a Capital Account for the purpose of purchasing three (3) laptop computers.

The environmental inspectors are currently using old tablet computers that are approximately 10 years old. The purchase of these laptops will streamline reporting and increase efficiency in the department.

Thank you for your consideration of this matter.

Very truly yours,

Setti D. Warren
Mayor

10 JUN - 1 PM 5:08
CITY CLERK
NEWTON, MA. 02159

From: Public Health Expenses
0150101-5341 \$2,000
0150101-5342 \$2,500
To: Public Health Capital Outlay
0150102-58511 \$4,500

06/02/2010

1000 Commonwealth Avenue Newton, Massachusetts 02459

www.newtonma.gov



DEDICATED TO COMMUNITY EXCELLENCE

City of Newton

Setti Warren
Mayor

HEALTH AND HUMAN SERVICES DEPARTMENT

Linda Walsh, Interim Commissioner

1294 Centre Street
Newton, MA 02459-1544Telephone 617.796.1420 Fax 617.552.7063
TDD/TTY 617.796.1089Public Health
Prevent. Promote. Protect.

May 25, 2010

Mayor Setti Warren
1000 Commonwealth Ave
Newton MA 0245910 JUN - 1 PM 5:23
CITY CLERK
NEWTON, MA. 02159RE: Docket item request
Expenditure for computer equipment

Dear Mayor Warren,

Please docket an item before the Board of Alderman to create a 585111 account for the purpose of purchasing computer equipment. We will need \$4,500.00 from surplus office supply monies (printing and postage) from this fiscal year to purchase three new laptop computers.

The environmental inspectors are currently using old tablet computers purchased approximately ten years ago. New laptop computers could be used to create more efficiency in the workplace. Inspectors would use this computer in the office as well as out in the field during inspections. An electronic report can be created to streamline their work so that written reports would no longer be necessary. Data collection would become easier and less labor intensive. If approved, we will continue to work with our information technology department to purchase the laptops that meet these needs.

Very truly yours,

Linda Walsh
Interim Commissioner of Health and Human ServicesCc: David Olson, City Clerk
Maureen Lemieux, Chief Financial Officer
Robert Rooney, Chief Operating Officer
David Wilkinson, Comptroller



SETTI D. WARREN
MAYOR

City of Newton, Massachusetts
Office of the Mayor

#163-10

Telephone
(617) 796-1100

Facsimile
(617) 796-1113

TDD/TTY
(617) 796-1089

E-mail
swarren@newtonma.gov

June 1, 2010

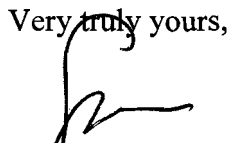
Honorable Board of Aldermen
Newton City Hall
1000 Commonwealth Avenue
Newton, MA 02459

Ladies and Gentlemen:

I write to request that your Honorable Board docket for consideration a request to appropriate the sum of \$15,000 from the Commonwealth Golf Course Mayor's Golf Day Receipts Reserved for Appropriation fund to the Parks and Recreation Revolving fund for the purpose of funding scholarships for youth attending Parks and Recreation camp programs.


Thank you for your consideration of this matter.

Very truly yours,


Seth D. Warren
Mayor

10 JUN - 1 PM 5:07
CITY CLERK
NEWTON, MA. 02159

From: NCGF Golf Day Receipts
14P103-5901 \$15,000
To: Transfer to Revolving Fund
0110499-5913 \$15,000


06/03/2010

1000 Commonwealth Avenue Newton, Massachusetts 02459

www.newtonma.gov



DEDICATED TO COMMUNITY EXCELLENCE

NEWTON COMMONWEALTH FOUNDATION

Golf Course Management Committee

212 Kenrick Street, Newton MA 02458 (617) 630-1971

May 11, 2010

Honorable Mayor Setti D. Warren
Board of Alderman
Newton City Hall
1000 Commonwealth Avenue
Newton, MA 02459

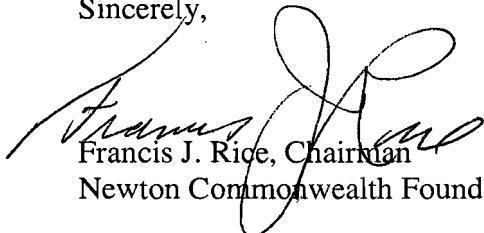
10 JUN - 1 PM 5:22
CITY CLERK
NEWTON, MA. 02159

Dear Mayor Warren, Ladies & Gentleman:

I write to request that your Honorable Board docket for consideration a request to appropriate the sum of fifteen thousand dollars (\$15,000) from the Commonwealth Golf Course Mayor's Golf Day Receipts Reserved for Appropriation fund to the Parks and Recreation Revolving fund for the purpose of funding scholarships for youth attending Parks and Recreation camp programs.

Thank you for your consideration of this matter.

Sincerely,


Francis J. Rice, Chairman
Newton Commonwealth Foundation



SETTI D. WARREN
MAYOR

City of Newton, Massachusetts
Office of the Mayor

#169-10

Telephone
(617) 796-1100

Facsimile
(617) 796-1113

TDD/TTY
(617) 796-1089

E-mail
swarren@newtonma.gov

June 1, 2010

Honorable Board of Aldermen
Newton City Hall
1000 Commonwealth Avenue
Newton, MA 02459

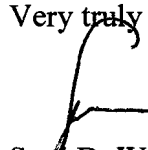
Ladies and Gentlemen:

I write to request that your Honorable Board docket for consideration a request to appropriate the sum of \$30,000 from Free Cash to the Planning and Development Department for the purpose of replacing the office furniture and supplies that were lost as a result of the damage suffered to the Planning Department basement offices due to the March flooding.


The City has applied to FEMA for reimbursement of these funds.

Thank you for your consideration of this matter.

Very truly yours,


Setti D. Warren
Mayor

From: Free Cash
01-3497 \$30,000
To: Planning Dept Office
Furniture Repl - Flooding
C114014-58515 \$30,000


8/6/02/2110

10 JUN - 1 PM 5:09
CITY CLERK
NEWTON, MA. 02159

1000 Commonwealth Avenue Newton, Massachusetts 02459

www.newtonma.gov



DEDICATED TO COMMUNITY EXCELLENCE

Memorandum

DATE: May 25, 2010
TO: Robert Rooney, Chief Operating Officer
FROM: Candace Havens, Interim Director of Planning and Development
RE: Replacement Costs – Office Furniture and Supplies

The following is an overview of the office furniture and supplies needed to re-establish the Planning and Development Department in its basement office due to flooding in March 2010. The numbers below reflect the reuse of all existing fabric panels and some of the desk tops and filing drawers that were not affected by the water. The fabric panels will be cleaned by the outside vendor used by the Public Buildings Department to clean other areas within City Hall.

- Reinstall 6 existing desks/panels in front left area including replacement of some original mechanical components where needed	\$ 1,000.00
- 12 Replacement desks w/file drawers – reusing panels, including installation	\$22,117.00
- Replace 14 bookcases 2- & 4-level	\$ 2,395.00
- Replace 21 floor mats	<u>\$ 861.00</u>
Total Replacement Costs	\$26,373.00

10 JUN - 1 PM 5:23
CITY CLERK
NEWTON, MA. 02159



SETTI D. WARREN
MAYOR

City of Newton, Massachusetts
Office of the Mayor

#165-10

Telephone
(617) 796-1100

Facsimile
(617) 796-1113

TDD/TTY
(617) 796-1089

E-mail
swarren@newtonma.gov

June 1, 2010

Honorable Board of Aldermen
Newton City Hall
1000 Commonwealth Avenue
Newton, MA 02459

Ladies and Gentlemen:

I write to request that your Honorable Board docket for consideration a request to appropriate \$150,000 from the Riverside Traffic Mitigation Fund for the purpose of installing traffic calming measures previously approved by your Honorable Board which include the following:

1. Installation of a new granite curb traffic island on Grove @ Hagar and a scored concrete traffic island on Hagar and Concord,
2. Installation of a raised intersection on Grove Street at the intersection of Grove and Cornell, and
3. Installation of a raised crosswalk on Grove Street at the intersection of Grove and Pine Grove.

Thank you for your consideration of this matter.

Very truly yours,

Setti D. Warren
Mayor

From: Riverside Traffic Mitigation Fund

14K101A2-5901 \$ 97,556

14K101A3-5901 \$ 52,444

To: Lower Falls Traffic Impvmts
C401069-52409 \$150,000

Handwritten signature and date
06/03/10

10 JUN - 1 PM 5:11
CITY CLERK
NEWTON, MA. 02459

1000 Commonwealth Avenue Newton, Massachusetts 02459

www.newtonma.gov



DEDICATED TO COMMUNITY EXCELLENCE

City of Newton



DEPARTMENT OF PUBLIC WORKS

OFFICE OF THE COMMISSIONER

1000 Commonwealth Avenue
Newton Centre, MA 02459-1449

Setti D. Warren
Mayor

TO: Honorable Setti D. Warren, Mayor

THRU: Robert R. Rooney, Chief Operating Officer
Maureen Lemieux, Chief Budget Officer

FROM: Thomas E. Daley, P.E., Commissioner *td*

RE: Funding Request for Appropriation of up to \$150,000 for
Grove Street Traffic Calming

DATE: May 7, 2010

Dear Mayor Warren:

At the request of the Ward 4 Aldermen, I would like to request an appropriation to expend the sum of up to \$150,000 from the Riverside Traffic Mitigation Fund (BO #155-00) to pay for the installation of the following traffic calming measures previously approved by the BOA, as follows:

- 1) Installation of traffic calming measures at Grove and Hagar – which includes a new granite curb traffic island on Grove @ Hagar and a scored concrete traffic island on Hagar and Concord.
- 2) Installation of a raised intersection on Grove Street at the intersection of Grove St and Cornell; 342-08 Approved by the BOA on July 13, 2009.
- 3) Installation of a raised speed table (crosswalk) on Grove Street at the intersection of Grove and Pine Grove. 342-08 Approved by the BOA on July 13, 2009.

We would appreciate it if this could be expedited so that we have the funds readily available for reconstruction of Grove Street scheduled for this summer.

10 JUN - 1 PM 5:23
CITY CLERK
NEWTON, MA. 02159

Thank you for your consideration of this matter and please give me a call if you have any questions.

cc: D. Turocy, Deputy Commissioner
S. Tocci, Director of Highway Operations
K. Griffey, Dir. Of DPW Admin.
R. Ferrera, DPW Budget Officer
M. Lemieux, Chief Financial Officer

Wilkinson David, Comptroller City of Newton

From: "Ouida C.M. Young" <oyoung@newtonma.gov>
To: "Wilkinson David, Comptroller City of Newton" <dwilkinson@newtonma.gov>, cschuckel@newtonma.gov
Date sent: Thu, 03 Jun 2010 12:07:24 -0500
Subject: Re: Riverside traffic mitigation fund appropriation request
Copies to: dkahn@newtonma.gov
Priority: normal

David,

I agree with your understanding of the Traffic Mitigation Agreement.

While the Agreement allocated portions of the \$249,000 total to various areas for traffic mitigation and identified possible traffic improvements, the City clearly had the unilateral right to use the Fund for projects other than those identified and to spend more money in a particular area, provided that the funds were still used for traffic mitigation near the development site on Grove Street, or to improve traffic safety within the Lower Falls/Auburndale areas of Newton.

The requested appropriation just filed by the Mayor's office at the request of the Commissioner of Public Works is within the purpose of the Traffic Mitigation Fund, albeit not one of the specifically identified projects and in excess of the funding proposed for the Lower Falls area. The Mayor and the Board of Aldermen have the authority to authorize expenditure of the Riverside Traffic Mitigation Fund for the use proposed.

Thanks for forwarding the paperwork. Ouida

On 2 Jun 2010 at 16:36, Wilkinson David, Comptroller City of Newton wrote:
NewtoRiverside traffic mitigation fund appropriation r wrote:

- > Ouida,
- >
- > Attached is a copy of a \$150,000 appropriaton request that the Mayor and
- > DPW Commissioner have filed, using Riverside funds.
- >
- > In the spring of 2000, we set up the Riverside traffic mitigation fund,
- > based upon the detail contained in the attached agreement, including
- > separate sub- funds for Auburndale; Lower Falls; and Other improvements.
- > We now have \$134,927 in the Auburndale improvement sub fund; \$97,556 in
- > the Lower Falls sub-fund; and \$67,717 in the other improvement sub-fund.
- >
- > In speaking to Clint about the projects anticipated in the current
- > docket item it appears that they are all in the Lower Falls area. On
- > the surface, it would seem that there are not sufficient funds to do the
- > planned project within the Lower Falls sub fund, but the last sentence

- > of paragraph 2 of the agreement between the City and the developer
- > seems to support the notion that the Board of Aldermen has the authority
- > to reallocate funds and substitute projects for the allocation and
- > project list included in the original agreement.
- >
- > I need to certify funding for the docket item to proceed, so I'd
- > appreciate your advice on whether the Board can use more than \$97,556
- > for Lower Falls improvements.
- >
- > Thank you.
- >
- >
- >
- > David Wilkinson, Comptroller
- > City of Newton, Massachusetts
- > (617) 796-1305
- > dwilkinson@newtonma.gov
- >
- >

Ouida C.M. Young
Associate City Solicitor
Newton City Hall
1000 Commonwealth Ave.
Newton Centre, MA 02459
Tel.: (617) 796-1240; Fax: (617) 796-1254

#155-00

CITY OF NEWTON
IN BOARD OF ALDERMEN

April 18, 2000

29810203-4871

✓

ORDERED:

That in accordance with the recommendation of the Finance Committee through its Chairman Ald. Paul E. Coletti, the Board of Aldermen hereby accepts and authorizes the expenditure of \$249,000 from EOP—Riverside Project LLC, pursuant to the special permit granted under Board Order #40-97(2). The Comptroller shall deposit said funds in a Traffic Mitigation Fund in the City's Gift Special Revenue Fund along with all investment income that shall be earned on said funds. Said funds shall be expended for traffic mitigation purposes in the vicinity of the development at 275 Grove Street.

Under Suspension of Rules
Readings Waived and Approved
20 yeas 0 nays 3 absent (Ald. M. Lipof, Merrill, Lipsitt)
1 excused (Ald. Sangiolo)

EXECUTIVE DEPARTMENT

Approved: April 20, 2000



(SGD) EDWARD G. ENGLISH

City Clerk



(SGD) PAUL E. COLETTI, Chairman

Finance Committee



(SGD) DAVID B. COHEN

Mayor

See Attached
E-mail to
RECEIVED N. Levine

APR 26 2000

MAYOR'S OFFICE

Kirkpatrick & Lockhart LLP

75 State Street
Boston, MA 02109-1808
617.261.3100
www.kl.com

Howard A. Levine
617.951.9290
Fax: 617.951.9151
hlevine@kl.com

May 12, 2000

BY HAND DELIVERY

Mr. David C. Wilkinson
Comptroller of Accounts
Newton City Hall
1000 Commonwealth Avenue
Newton Centre, MA 02459

Re: Special Permit #40-97(2); Docket #155-00:
EOP-Riverside Project LLC

Dear Mr. Wilkinson:

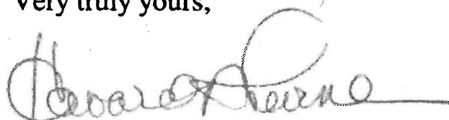
In accordance with the above-referenced Special Permit and Board of Aldermen Order #155-00, we are pleased to enclose a check in the amount of \$249,000. In accordance with the Traffic Mitigation Fund Agreement dated October 6, 1998, Paragraph 1, this check shall be accounted for by the City as a special revenue fund, referred to as the Traffic Mitigation Fund. The interest earned on the Traffic Mitigation Fund shall be added to the Traffic Mitigation Fund to be used for the same purposes as set forth in the Agreement. The City shall have exclusive control over the Traffic Mitigation Fund and Riverside Project shall have no claim on any monies remaining in the Traffic Mitigation Fund at any time and no ability to direct the use of any sums in the Traffic Mitigation Fund.

Kirkpatrick & Lockhart LLP

Mr. David C. Wilkinson
May 12, 2000
Page 2

Please be in touch with me should there be any questions.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Howard A. Levine", with a long horizontal flourish extending to the right.

Howard A. Levine

HAL:jec

Enc.

cc: Mayor David B. Cohen

Edward G. English, City Clerk

Ouida Young, Esq., Associate City Solicitor

Alderman D. Pauline Bryson

Alderman Amy Mah Sangiolo

Alderman Richard McGrath

Greg Rose

Roy C. LaMotte, City Traffic Engineer

Michael Kruse, Director of Planning and Development

Joseph Latronica, Inspectional Services Commissioner

David Deffley, Building Inspector

Mark Gilroy, Building Inspector

40.97(2)

CITY OF NEWTON
LAW DEPARTMENT
INTEROFFICE MEMORANDUM

October 7, 1998

City Clerk/Clerk of the Board of Aldermen

FROM: Ouida C.M. Young, Associate City Solicitor

RE: 275 Grove Street Development
Special Permit #40-97(2)

Traffic Mitigation Fund Agreement

I am transmitting under cover of this memorandum a signed original of the Traffic Mitigation Fund Agreement which was required as a condition of Special Permit #40-97(2).

This is the City's signed original copy, so it should be maintained in a safe, identified location in the event that the same must ever be retrieved.

Prior to issuance of the Certificate of Occupancy, the developer must donate the monies necessary to Fund this Agreement, i.e., \$249,000.00. In accordance with Municipal Finance Laws, this donation must be accepted by the Board and the Mayor prior to its expenditure in accordance with the provisions of the Agreement.

Please call if you have any questions.

Thank you

1998 OCT -9 PM 10:17
CLERK
2159

LAW DEPARTMENT



CITY OF NEWTON, MASSACHUSETTS

CITY HALL

1000 COMMONWEALTH AVENUE

NEWTON CENTRE, MA 02459

TELEPHONE (617) 552-7050

FACSIMILE (617) 969-7872

CITY SOLICITOR
DANIEL M. FUNK

ASSOCIATE CITY SOLICITORS

OLUIDA C.M. YOUNG

GAYLE A. SMALLEY

ASSISTANT CITY SOLICITORS

MICHAEL D. BASEMAN

RICHARD G. CHMIELINSKI

CATHERINE A. LESTER

DONNALYN B. LYNCH KAHN

CATHERINE L. FARRELL

October 7, 1998

Howard A. Levine, Esq.
Warner & Stackpole LLP
75 State Street
Boston, MA 02109

RE; 275 Grove Street
Traffic Mitigation Agreement

Dear Howard:

Enclosed please find two (2) executed copies of the Traffic Mitigation Fund Agreement which was required by the condition #24 of the Special Permit for the above referenced project.

I have forwarded the third signed copy of this Agreement to the City Clerk, with copies of the Agreement going to the Commissioner of Inspectional Services, the Planning Department and the City Traffic Engineer.

I would appreciate learning when your client expects to be ready to request the issuance of a Certificate of Occupancy. As you know, condition #39(e) requires donation of the Fund's monies prior to issuance of the Certificate of Occupancy. Since the donation in turn must be accepted by the Board and Mayor before it can be expended in accordance with the Agreement, we need to start the process to insure that all the pieces fall into place in a timely manner.

1998 OCT

AM 7

Thank you.

Very truly yours,

A handwritten signature in black ink, appearing to be "Ouida C.M. Young", written over a circular stamp or seal.

Ouida C.M. Young
Associate City Solicitor

cc: David B. Cohen, Mayor
Ald. Polly Bryson
Ald. Amy Sangiolo
Ald. Richard McGrath
City Clerk & Clerk of the Board of Aldermen
Susan Glazer, Director of Current Planning
Joseph Latronica, Commissioner of Inspectional Services
Roy LaMotte, City Traffic Engineer

TRAFFIC MITIGATION FUND AGREEMENT

This Agreement (the "Agreement") is entered into as of Oct 6, 1998 by and between the City of Newton, Massachusetts (the "City"), by and through its Board of Aldermen (The "Board") and EOP-Riverside Project, LLC recorded with the Middlesex South Registry of Deeds at Book 26760, Page 254 ("Riverside Project").

WHEREAS, Riverside Project intends to purchase directly, or through one of its affiliates, the property located at 275 Grove Street in Newton (the "Property").

WHEREAS, Riverside Project has presented to the City its plans for redevelopment of the Property (the "Project"), and has further described the Project in Riverside Project's request for certain permits and approvals from the City.

WHEREAS, Riverside Project desires to establish and fund an account under the control of the City that may be used to pay the cost of certain transportation improvements and programs as described below, and the City has agreed to the establishment and funding of this account and its management by the City.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Riverside Project and the City hereby agree as follows:

1. On or before the date on which an occupancy permit is issued for the Project, Riverside Project shall cause the sum of \$249,000 to be contributed to the City pursuant to the provisions of M.G.L. Chapter 44, Section 53A. Such sum shall be accounted for by the City as a special revenue fund (hereinafter referred to as the "Traffic Mitigation Fund"). The interest earned on the Traffic Mitigation Fund shall be added to the Traffic Mitigation Fund to be used for the same purposes. The City shall have exclusive control over the Traffic Mitigation Fund and Riverside Project shall have no claim on any monies remaining in the Traffic Mitigation Fund at any time and no ability to direct the use of any sums in the Traffic Mitigation Fund.

2. The Traffic Mitigation Fund shall be used to pay for the cost of traffic improvements and transportation programs selected by the City that will mitigate potential impacts of the project on the City or improve traffic safety and flow in other locations of the Lower Falls and Auburndale areas of the City, as more specifically set forth on Exhibit A. The parties hereto acknowledge that the City's current intention is to use the Traffic Mitigation Fund to pay for one or more of the improvements and programs listed on Exhibit A of this Agreement. However, the City reserves the right in its sole discretion to (a) determine the time when any listed improvement or program shall be undertaken, (b) specify the amount to be spent for such improvement or program, (c) substitute other improvements and programs for those listed in Exhibit A and (d) generally control all matters relating to the Traffic Mitigation Fund.

-2-

3. Each traffic improvement or transportation program that is undertaken by the City with monies from the Traffic Mitigation Fund shall be constructed or operated by the City or by a contractor engaged by the City. Riverside Project shall not construct, manage or operate any such traffic improvement or transportation program and shall have no responsibility therefor. The Public Works Department of the City, through the City Traffic Engineer, shall request the Mayor to make an appropriation request of the Board of Aldermen from the Traffic Mitigation Fund for any improvement or program authorized under para. 2 above.

4. In addition to the Traffic Mitigation Fund, Riverside Project shall provide technical traffic engineering assistance to the City Traffic Engineer, upon request, and at a cost to Riverside Project not to exceed \$75,000, to assist with the study and implementation of traffic improvements and transportation programs listed on Exhibit A of this Agreement, or substitute improvements and programs for the area immediately surrounding the Property. Such technical traffic engineering assistance shall be provided by Sam Park Associates, Inc. or another traffic engineering firm designated by the City Traffic Engineer. Also, Riverside Project shall provide funds up to the amount of \$50,000 to conduct, with the City's Planning and Public Works Department, a planning study of long range improvements for regional access to the Grove Street area. This study will include alternatives to reduce "cut through" traffic on Grove Street in Lower Falls and existing impacts from the Riverside Station and the Route 128 ramps onto Grove Street. The exact scope of work to be performed in the study, including the areas to be included in such study, shall be subject to review and approval by the City Planning Department and City Traffic Engineer.

5. This Agreement represents the entire agreement of the parties with respect to the matters set forth herein, and any prior oral or written agreements between the parties hereto with respect to such matters shall have no further force or effect.

6. The covenants, agreements, terms and conditions contained in this Agreement shall extend to and be binding upon the parties hereto and their respective successors and assigns.

7. This Agreement shall be governed by and constructed in accordance with the laws of the Commonwealth of Massachusetts.

Executed as a sealed instrument on the day and year first above written.

EOP-RIVERSIDE PROJECT, L.L.C., a Delaware
limited liability company

By: Beacon Property Management Corporation
a Delaware corporation, its managing
member

By: Brooke Kenevan
Its: Vice President

-3-

CITY OF NEWTON


By: David B. CohenTitle: Mayor

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS

October 6, 1998

Then personally appeared the above-named David B. Cohen as aforesaid, and acknowledged the foregoing instrument to be the free act and deed of City of Newton and David B. Cohen, before me.


Notary PublicQUIDA C.M. YOUNG
Notary Public

My commissions expires November 9, 2004

My Commission Expires

-4-

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS

, 1998

Then personally appeared the above-named _____ as aforesaid and
acknowledged the foregoing instrument to be the free act and deed of _____
and the City of Newton, before me

Notary Public

My Commission Expires

19093-0:223193 v

EXHIBIT A
CC&F RIVERSIDE CENTER
PROPOSED TRAFFIC M

April 16, 1997

Where applicable, construction costs are estimated (\$). Engineering, design, permitting, and other "soft" costs associated with the implementation of these improvements are estimated in a lump sum amount under Traffic Mitigation Fund Agreement.

All proposals require approvals by the City of Newton. This mitigation package and Fund Agreement will be described also as a condition in the Special Permit.

295 1127A
L. AUBURNDALE IMPROVEMENTS

	Estimated Construction Cost
A. Implement safety measures/new signs at Williams School. CC&F will replace flashing School Zone Speed Limit sign at school; provide new school sign and assist the city in creating a school zone on Hancock Street.	\$10,000
B. Restrict through traffic on Hancock Street. Right turns will be prohibited from Woodland Street (7-9 a.m.) or Hancock Street will be converted to one-way northbound.	\$2,000
C. Upgrade existing traffic signal at Woodland and Grove Streets. Existing signal to be fully actuated with pedestrian crosswalks and signal phase.	\$75,000
D. Reconfigure sidewalks, channelization, and parking on Grove Street to improve pedestrian access to school.	\$20,000
E. Improve safety/channelization at Hancock and Grove Streets to reduce speeds. Vegetation on existing traffic island to be cut-back to improve sight lines. Sidewalks to be widened for "traffic calming."	\$20,000
AUBURNDALE IMPROVEMENTS SUBTOTAL:	<u>\$127,000</u>

EXHIBIT A
CC&F RIVERSIDE CENTER
PROPOSED TRAFFIC MITIGATION
April 16, 1997

29310238
II. LOWER FALLS IMPROVEMENTS

**Estimated
Construction
Cost**

- A. Reduce pavement (roadway width) on Grove Street immediately west of Route 128. Neck downs; new signs; and, landscaping to be provided at this location to enhance gateway to Lower Falls. Two additional neckdowns would be provided on Grove Street at Cornell Street and on Hagar Street. \$70,000
- B. Provide 4-way "STOP" sign at Cornell and Grove Streets. Conduct a traffic assessment for Concord Road to identify appropriate traffic calming measures. Funding for the study and potential mitigation would be provided as part of Item IV A (below). \$2,000

LOWER FALLS IMPROVEMENTS SUBTOTAL: \$72,000

EXHIBIT A
CC&F RIVERSIDE CENTER
PROPOSED TRAFFIC MITIGATION
April 16, 1997

2981023C
III. OTHER TRAFFIC MITIGATION

Estimated
Construction
Cost

- A. Provide funding for miscellaneous roadway improvements, including landscaping and beautification of Grove Street. Mitigation will also include traffic calming measures to address speed issues on Concord Street.

\$50,000

OTHER TRAFFIC MITIGATION SUBTOTAL:

\$50,000

City of Newton



DEPARTMENT OF PUBLIC WORKS

OFFICE OF THE COMMISSIONER

1000 Commonwealth Avenue
Newton Centre, MA 02459-1449Setti D. Warren
Mayor

To: Honorable Board of Alderman

From: Thomas E. Daley, P.E. / Commissioner of Public Works *TD*

Subject: Solid Waste Revised Ordinances

Date: May 27, 2010

 10 MAY 28 AM 11:05
CITY CLERK
NEWTON, MA 02459

The proposed revised solid waste ordinances (color copy attached) has been approved by the Public Facilities Committee and the Finance Committee with some minor recommended edits below. The color copy of the revised ordinances attached are the original revisions docketed by the Mayor and recommended by the Solid Waste Commission. The following details for the most part have been drafted by Alderman Fuller on behalf of the Finance Committee with the assistance of us and the Law Dept. The following recommended changes by the Finance Committee to the attached revised ordinances have been reviewed and approved by the Law Dept. They are as follows:

Section 11-1Language prior to Finance Committee Meeting:

Cleanouts: cleaning of basements, attics, garages, etc. so that large amounts of trash are generated that require multiple collections or truck load out. Cleanouts are not considered normal residential trash and will not be collected by the City.

Possible new language per the discussion at the Finance Committee Meeting:

Cleanouts: cleaning of basements, attics, garages, etc. so that large amounts of trash are generated that require multiple collections or truck load out. Cleanouts are not considered normal residential trash and will not be collected by the City. **If, for whatever reason, the City finds it necessary to remove and dispose of a cleanout, the owner or occupant of the building or premises shall pay the city the total cost of removal and disposal as determined by the commissioner of public works or his/her duly authorized agent.**

Rationale for new language:

The Committee was concerned that cleanouts may still be put out on the sidewalk and the City would be required to pick it up; when this occurs, the owner/occupant should be required to pay for it. (NOTE: the language mimics that in Section 11-14)

Section 11-6

Language prior to Finance Committee Meeting:

Non-profit rubbish from religious and charitable organizations may be set out for collection for a fee to be determined by the Commissioner of Public Works....

Possible new language per the discussion at the Finance Committee Meeting:

Non-profit rubbish from religious and charitable organizations may be set out for collection for a fee **that reflects the total cost of removal and disposal** as determined by the Commissioner of Public Works **or his/her duly authorized agent....**

Rationale for new language:

The Committee would like the fee to reflect the actual full cost to the City. (NOTE: the language mimics that in Section 11-14)

Section 11-14

Language prior to Finance Committee Meeting:

Large and/or bulky items, which cannot be placed in the assigned receptacle shall be considered bulky waste and shall be collected per the commissioner of public works. Bulky waste such as discarded or broken furniture, large toys, mattresses, rugs, and other large, bulky or unwieldy refuse, may be removed and disposed of by the Department of Public Works upon application to the commissioner of public works by the owner or occupant of the building or premises, who shall pay to the city therefore the actual cost of removal and disposal as determined by the commissioner of public works or his/her duly authorized agent....

Possible new language per the discussion at the Finance Committee Meeting:

Large and/or bulky items, which cannot be placed in the assigned receptacle, shall be considered bulky waste. Bulky waste, such as discarded or broken furniture, large toys, mattresses, rugs, and other large, bulky or unwieldy refuse, may be removed and disposed of by the Department of Public Works upon application to the commissioner of public works by the owner or occupant of the building or premises, who shall pay to the city therefore the **total** cost of removal and disposal as determined by the commissioner of public works or his/her duly authorized agent....

Rationale for new language:

The Committee was concerned about the use of the word "shall" and "may" in the language. So, they wish to remove the new phrase in the first sentence that says "... and shall be collected per the commissioner of public works." They wanted to make it clearer that bulky items may be removed only after application and for a fee based on the actual full cost.

No language in the proposed ordinances reflects the current policy that residents may put out up to 5 bulky items with no fee. Please note that under the current ordinances, in place, the commissioner can charge for any amount of bulky waste, but the administration has not opted to impose it. The Administration and the Law Dept. do not believe that the "policy" of up to 5 bulky items with no fee should be put into the ordinance. However, the Administration will not implement any change to the policy without prior notification to the Board similar to other fees that can be instituted by the Administration without a full Board vote. It is the Law Dept.'s and our opinion that addressing the 5 bulky items for no fee issue is too much detail to be included in an ordinance.

Section 20-21Language prior to Finance Committee Meeting:

Sec. 20-21

Add (f) DEPARTMENT OF PUBLIC WORKS: The Commissioner of Public Works, and/or his or her designee, shall be authorized to issue written notice of the following violations:

..... PENALTY

Sec. 11-7 How trash to be placed for collection.

- | | |
|--|-----------------|
| () First offense..... | written warning |
| () Second offense..... | \$50.00 |
| () Third offense and subsequent offenses.....
in calendar year | \$75.00 |

Sec 11-8 How recyclables to be placed for collection.

- | | |
|--|-----------------|
| () First offense..... | written warning |
| () Second offense..... | \$50.00 |
| () Third offense and subsequent offenses..... | \$75.00 |

in calendar year

Sec. 11-9 (a) Participation in and enforcement of recycling and trash program

- () First offense..... written warning
- () Second offense..... \$50.00
- () Third offense and subsequent offenses..... \$75.00
in calendar year

Sec. 11-10 (c) When trash and recyclable materials to be placed for collection

- () First offense..... written warning
- () Second offense..... \$50.00
- () Third and subsequent offenses..... \$75.00
in calendar year

Delete Article III, Section 20-21(d), sec 11-8 and 11-10

Possible new language per the discussion at the Finance Committee Meeting:

Sec. 20-21

Add (f) DEPARTMENT OF PUBLIC WORKS: The Commissioner of Public Works, and/or his or her designee, shall be authorized to issue written notice of the following violations:

..... PENALTY

Sec. 11-7 How trash to be placed for collection.

- () First offense **per 365 day period** written warning **for first day**
- () Second offense **per 365 day period** \$50.00 **for 2nd day**
- () Third offense and subsequent offenses..... \$75.00 **for 3rd day and each
per 365 day period** **day thereafter**

Sec 11-8 How recyclables to be placed for collection.

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() Third offense and subsequent offenses..... \$75.00 for 3rd day and each
per 365 day period day thereafter

Delete Article III, Section 20-21(d), sec 11-8 and 11-10

Rationale for new language:

The Finance Committee was concerned that the language as originally proposed was not clear on when fines could be levied. Meaning as originally written did it mean that an owner could vehemently break the law and would only receive a single \$75 fine after having a full cleanout on the street and cleaned up by the City three times. It would be less costly for the owner to pay the \$75 fine verse cleaning up the mess in a timely manner.

Thank you for your consideration. Please contact myself or Elaine Gentile if you have any questions.

Cc: Mayor Setti D. Warren
R. Rooney / Chief Operations Officer
E. Gentile / Dir. of Env. Affairs
M. Lemieux / Chief Financial Officer
Solid Waste Commission
D. Turocy / Dep. Comm. of P.W.



SETTI D. WARREN
MAYOR

City of Newton, Massachusetts
Office of the Mayor

#170-10

Telephone
(617) 796-1100

Facsimile
(617) 796-1113

TDD/TTY
(617) 796-1089

E-mail
swarren@newtonma.gov

10 JUN - 1 PM 5:05
CITY CLERK
NEWTON, MA 02459

June 1, 2010

Honorable Board of Aldermen
Newton City Hall
1000 Commonwealth Avenue
Newton, MA 02459

Ladies and Gentlemen:

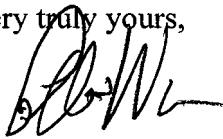
I write to request that your Honorable Board docket for consideration a request to appropriate \$79,500 from the Receipts Reserved for Appropriation Fund – Sale of Recyclables to fund the first year of a three (3) year lease to own to purchase a new front end loader (4.5 CY bucket) and an additional \$85,000 to purchase a new Allu heavy duty compost material processing attachment for the Department of Public Works.

The City is currently saving approximately \$200,000 per year as a result of the decision to transport all residentially generated yard waste to the City's Rumford Ave facility, instead of incurring tipping fees at Norton, MA. The composting operation at Rumford Ave is a crucial component of this plan. The additional machinery will allow the Department of Public Works to continually process material without the interruption of removing a loader from the Rumford facility for any reason. This will allow the material to be composted in a timely and efficient manner and to be ready for sale prior to the start of the next season.

This equipment will have an approximate payback period of two years.

Thank you for your consideration of this matter.

Very truly yours,


Setti D. Warren
Mayor

From:	Sale of Recyclables	
	14H401-5901	\$164,500
To:	Equipment Lease/Purchase	
	010775-51K01	79,500
	Compost Equipment	
	C401070-58502	85,000

 6/10/2010

1000 Commonwealth Avenue Newton, Massachusetts 02459

www.newtonma.gov



DEDICATED TO COMMUNITY EXCELLENCE



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MAYOR

City of Newton, Massachusetts
Office of the Mayor

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E-mail
swarren@newtonma.gov

10 JUN - 1 PM 5:05
CITY CLERK
NEWTON, MA. 02459

June 1, 2010

Honorable Board of Aldermen
Newton City Hall
1000 Commonwealth Avenue
Newton, MA 02459

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6/14/2010

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www.newtonma.gov



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SETTI D. WARREN
MAYOR

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Office of the Mayor

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June 1, 2010

Honorable Board of Aldermen
Newton City Hall
1000 Commonwealth Avenue
Newton, MA 02459

Ladies and Gentlemen:

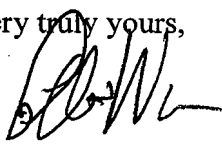
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	Compost Equipment	
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 6/14/2010

1000 Commonwealth Avenue Newton, Massachusetts 02459

www.newtonma.gov

DEDICATED TO COMMUNITY EXCELLENCE

City of Newton



DEPARTMENT OF PUBLIC WORKS

OFFICE OF THE COMMISSIONER

1000 Commonwealth Avenue
Newton Centre, MA 02459-1449Setti D. Warren
Mayor

TO: Honorable Setti D. Warren, Mayor

THRU: Robert R. Rooney, Chief Operating Officer
Maureen Lemieux, Chief Budget Officer

FROM: Thomas E. Daley, P.E., Commissioner *TD*

RE: Funding Request for Loader and Allu Bucket

DATE: June 1, 2010

10 JUN - 1 PM 5:22
CITY CLERK
NEWTON, MA 02159

Dear Mayor Warren:

As we have discussed, the composting operation at Rumford Ave. is a crucial component of our current solid waste management contracts. Last October, instead of trucking all residentially generated yard waste to Norton and paying a tipping fee, we now collect all material at Rumford and compost it there. The program so far has been very successful and is saving us about \$200,000 per year without even considering the value of the generated compost.

One of our challenges however, is having the resources and equipment to process and turn the approximate 20,000 cubic yards of material we received last Fall. Beyond that, we have to get the piles reduced enough to create enough additional room to begin receiving yard waste come April. It is a very time sensitive operation.

More importantly we must turn the piles enough to keep them well aerated in order not to generate vile odors for our neighbors. This past winter was very challenging, trying to keep up a quick turning process. Every time we received salt deliveries we had to pull the loader from Rumford that was turning piles and load salt. This interrupted our turning significantly.

Last year in order to prepare for this past Fall's leaves, we negotiated an Allu bucket attachment for our loader in our Waste Management Yard Waste Contract. We used the attachment very successfully and it has significantly expedited the composting process. Attached are some pictures that I have shared during my budget presentation and during my request to rent a trommel screen from Needham. The pictures show the Allu bucket attachment, a loader working the piles with the Allu bucket in Feb. of 2010 and the April 2010 new yard waste piles compared to the material we received in October of 2010. You can clearly see how well the piles are composting.

Based upon the above and our discussions I am requesting \$79,500 as the first year of a 3 year lease to own from the Environmental Fund to purchase a new front end loader (4.5 CY bucket) and an additional \$85,000 from the Environmental Fund to purchase a new Allu heavy

duty compost material processing attachment. That is a total request of \$164,500. There currently is \$327,665 in the environmental fund.

The additional machine will allow us to continually process material without the interruption of pulling a loader out of Rumford for any reason. Also we found that it took us several months to process the material we received at least once with the one Allu bucket. The additional Allu bucket will allow us to process our material in half the time which is crucial to timely composting.

The question has been raised about what equipment is more important to process our compost, in particular, either having our own trommel screen (instead of renting) and/or another Allu bucket and loader and our response to that is overwhelming for another loader and Allu bucket. I am interested in a trommel screen in the future but I'd like to get a couple years under our belt before we pursue it.

Thank you for your consideration of this matter and please give me a call if you have any questions.

cc: D. Turocy, Deputy Commissioner
E. Gentile, Dir. of Env. Affairs
R. Mahan, Supt. of Veh. Maint.
S. Tocci, Director of Highway Operations
K. Griffey, Dir. Of DPW Admin.
R. Ferrera, DPW Budget Officer
S. Ecker, Former Acting CFO

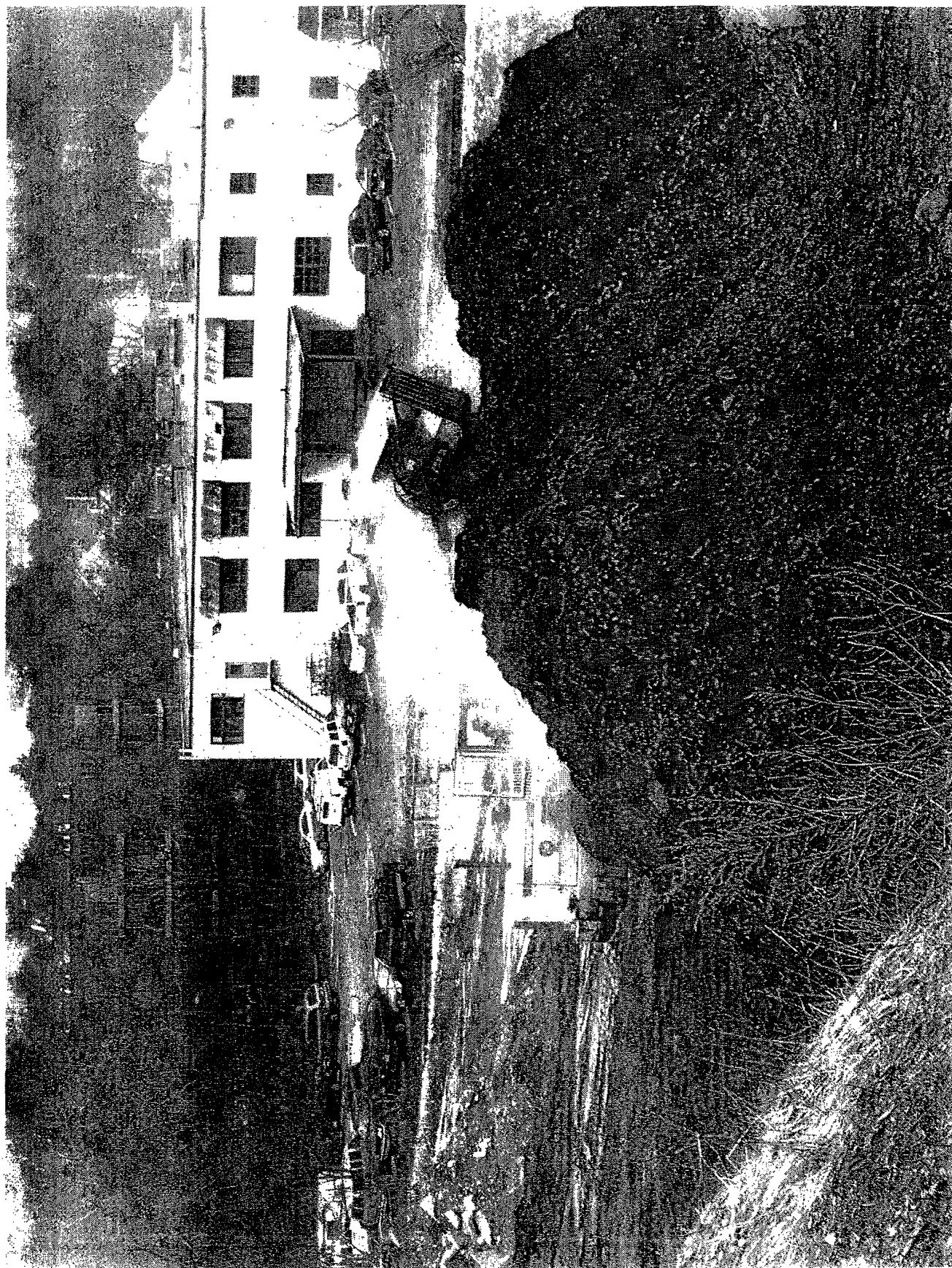
ALLU bucket

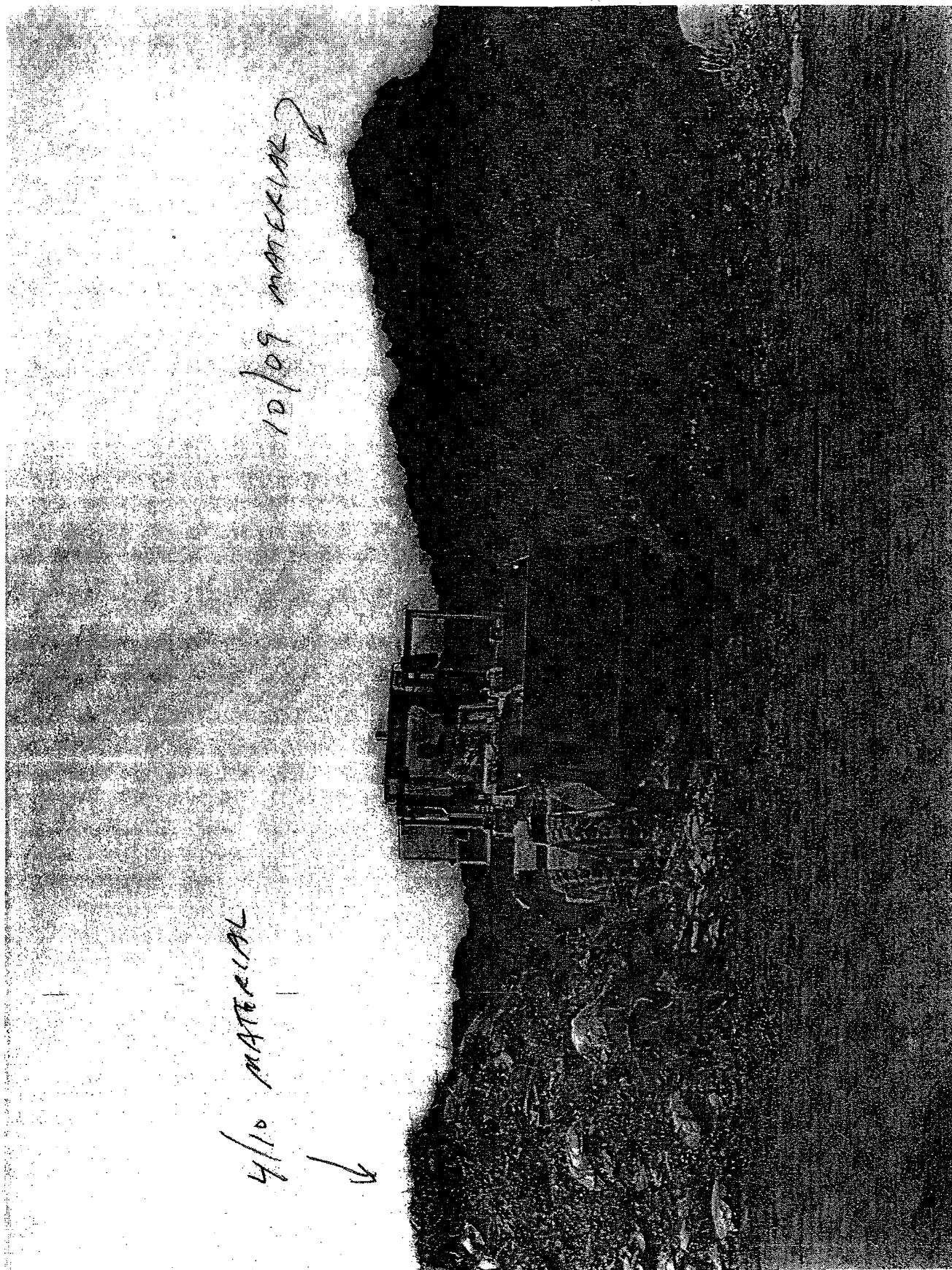
09



TURNING IN FEB. 2012

#170-10





10/09 material

4/10 material

City of Newton



DEPARTMENT OF PUBLIC WORKS

OFFICE OF THE COMMISSIONER

1000 Commonwealth Avenue
 Newton Centre, MA 02459-1449

Setti D. Warren
 Mayor

TO: Honorable Setti D. Warren, Mayor

THRU: Robert R. Rooney, Chief Operating Officer
 Maureen Lemieux, Chief Budget Officer

FROM: Thomas E. Daley, P.E., Commissioner

RE: Funding Request for Loader and Allu Bucket

DATE: May 28, 2010

Dear Mayor Warren:

As we have discussed, the composting operation at Rumford Ave. is a crucial component of our current solid waste management contracts. Please note the following with the below analysis. Last year we doubled our composting capacity. Therefore, the *costs and revenues below are only for half of the composting operation*. Looking purely at dollars I have the following to offer:

ANNUAL COSTS:

- | | | |
|----|---|-----------|
| 1) | New loader - \$240,000 | |
| | Annualized cost with a 20 yr. life expectancy - | -\$12,000 |
| 2) | Annual maint. - | -\$2,000 |
| 3) | New Allu bucket - \$85,000 | |
| | Annualized cost with a 20 yr. life expectancy - | -\$4,250 |
| 4) | New hammers & misc. - \$4,000 | |
| | Annualized cost with a 2 yr. life expectancy - | -\$2,000 |
| 5) | Trommel Screen rental - \$8,000 | |
| | (\$2,000 / wk for 4 weeks) - | -\$8,000 |

6)	Equipment Operator (inc. benefits) - \$65,000 /yr Currently using Highway Personnel Say 75% of time spent at Rumford on compost -	-\$48,750
7)	Fuel -	<u>-\$10,000</u>
	TOTAL:	-\$87,000

ANNUAL SAVINGS/REVENUES:

1)	Contractual Savings from Haul Contract:	\$200,000
2)	Revenues from sale of compost (low):	<u>\$50,000</u>
	TOTAL:	\$250,000

NET GAIN: **\$163,000 / yr**

OTHER ADVANTAGES:

- 1) Additional machine to serve as a loader backup when other pieces of equipment are down.
- 2) **Better Customer Service.** The new program (composting at Rumford) reduces the 3 hour round trips to Norton to about ½ hour. This reduction has shown significant improvement in Waste Mgmt.'s response time with the program. The attached "Monthly Requests for Yard Waste" Citistat slide illustrates this. The new program kicked off in October of last year. Please compare the yellow bars (this year) to the gray bars (last year) and note the reduction in calls regarding missed yard waste pickups. Anecdotally the staff has noticed the less stress with the program and the reduced calls.
- 3) Dedicated machine for Rumford Ave. operations. Last year many days of opportunity were lost because the Highway Dept. loader with the current Allu bucket was busy loading salt.
- 4) Increased productivity with composting operation. Grinding the material quicker and more often with an Allu bucket as opposed turning with a regular machine cuts the composting time by at least one third, saving man-hours, fuel, etc.
- 5) This past year we had to supplement the one Allu bucket and loader with up to an additional three machines at certain times in order to keep up with the material and aerate it so it didn't become anaerobic and odorous. The additional machine should also allow us to use less people and equipment from other DPW Divisions. Small backhoes like we were using is far less efficient at turning the piles than a loader with an Allu bucket.
- 6) We need to be a good neighbor. The Allu bucket will allow us to more efficiently aerate and turn the piles so that there will be less likely odors for the neighbors.
- 7) The environmental benefits of not hauling 10,000 cy of compost to Norton.

It costs \$5,500 per month to rent another loader. We have already researched renting an Allu bucket and that option is not offered at this time. The loader rental would be \$66,000 per year, which equates to paying for a new machine in 3 years and 8 months. As I have stated, the ability to have the extra machine dedicated to Rumford all year is critical. Never mind the assistance it could potentially give to our gravel crushing operation.

Regarding purchasing a trommel screen, which I believe in time will be a good idea, right now our ability to process and move compost is far more important. A trommel screen doesn't do me any good if I don't have the material ready for screening. We are also in a little bit of a learning curve this year, being the first year of this size of an operation. We need to see what our finished compost will bring at market and where the bottlenecks are in the operation. I wouldn't want to invest in another large piece of equipment like a trommel screen until I know that the cost benefit works.

We have reached out to Needham and learned that they have an operation about ½ the volume of ours and have one fully dedicated employee and loader dedicated to its operation. They also have a trommel screen and a wood grinder. Last year they sold \$100,000 worth of compost. I also saw a gentleman speak from Lexington a few months ago about their revenue generating operation. In Duxbury, I purchased a \$225,000 "tub grinder" to process wood waste that had been proven to be cost effective for many years.

Thank you for your consideration of this matter and please give me a call if you have any questions.

cc: D. Turocy, Deputy Commissioner
E. Gentile, Dir. of Env. Affairs
R. Mahan, Supt. of Veh. Maint.
S. Tocci, Director of Highway Operations
K. Griffey, Dir. Of DPW Admin.
R. Ferrera, DPW Budget Officer
S. Ecker, Former Acting CFO

All American Investment Group, LLC

Private Investment Banking

Ron Klein
 Senior Vice President
rlk@allaminv.com

Email/Fax Proposal from Ron Klein

DATE: June 3, 2010
TO: Stephen Russell
FAX/EMAIL: srussell@cn-wood.com

All American Investment Group, LLC (All American) is pleased to provide you with the following tax-exempt lease purchase financing proposal for the City of Newton.

EQUIPMENT/PROJECT:	One (1) New 2010 Volvo L120F Front End Loader	
ACQUISITION COST (less trade):	\$220,000.00	\$220,000.00
LEASE TERM:	3 Years	5 Years
FREQUENCY OF PAYMENTS:	Annual in advance	Annual in advance
INTEREST RATE: *	5.69%	5.79%
PAYMENT AMOUNT:	\$77,427.02	\$49,087.06
FIRST PAYMENT DUE:	At delivery	At delivery
LEASE FACTOR: **	.351941	.223123

* This rate expires on July 3, 2010.

** To determine payment amount, simply multiply the lease factor times the amount to be financed/acquisition cost.

TERMS AND CONDITIONS:

- This proposal is subject to credit review, approval and execution of mutually acceptable lease documentation.
- Payments under the lease are subject to annual appropriations and to all authorizations required under law.
- Lessee shall have an option to purchase the equipment during the lease term, and at the end of the lease term, when all Payments due have been made by Lessee, Lessee shall own the equipment outright.
- This transaction will be designated as tax-exempt under Section 265(b)(3) of the IRS Code of 1986.
- Lessee will not issue more than \$30 million of new tax-exempt obligations during the current calendar year.
- For credit review, audited financial statements and a budget summary for the current fiscal year will be required.
- A documentation fee of \$200.00 will be charged for all transactions with an amount financed of less than \$100,000.00.

The undersigned certifies under penalties of perjury that this bid or proposal has been made and submitted in good faith and without collusion or fraud with any other person. As used in this certification, the word "person" shall mean any natural person, business, partnership, corporation, union, committee, club, or other organization, entity, or group of individuals.

Please don't hesitate to call me if you have any questions or need more information.

All American Investment Group, LLC
 5 Boulders Way, Telluride, Colorado 81435
 Direct Toll Free: 877-539-3500 Fax: 970-797-1979 Cell: 970-596-5353 Email: rlk@allaminv.com

CONFIDENTIALITY NOTICE

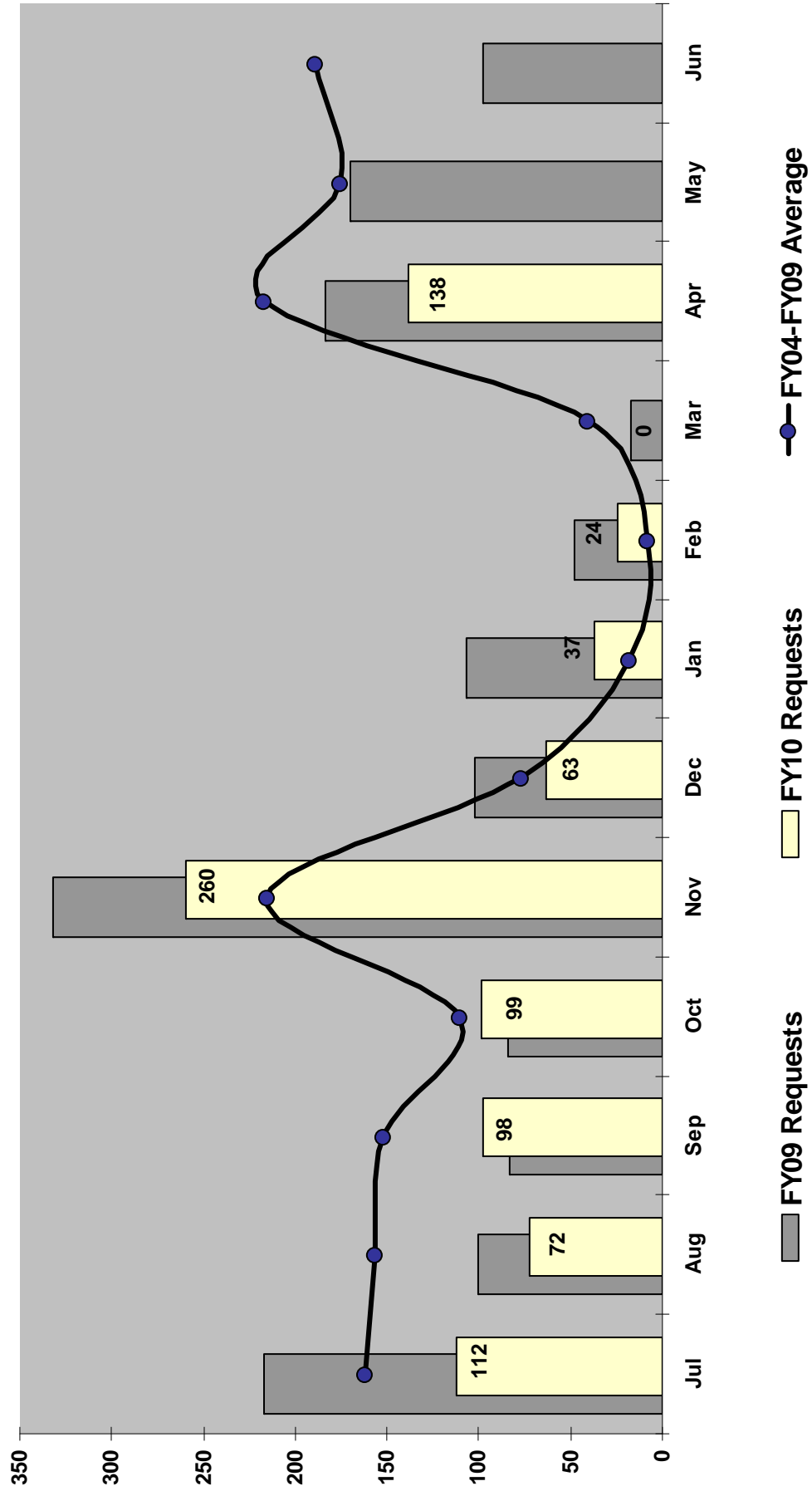
This facsimile or email or email transmission and any accompanying documents contain information belonging to the sender which may be confidential and legally privileged. This information is intended only for the use of the individual or entity to whom this facsimile or email was sent as indicate above. If you are not the intended recipient, any disclosure, copying, distribution, or action taken in reliance on the contents of the information contained in this facsimile or email is strictly prohibited. If you have received this transmission in error, please call me at 1-866-830-1776 to arrange for the return of the documents to us at our expense. Thank you.

Monthly Requests For Yard Waste

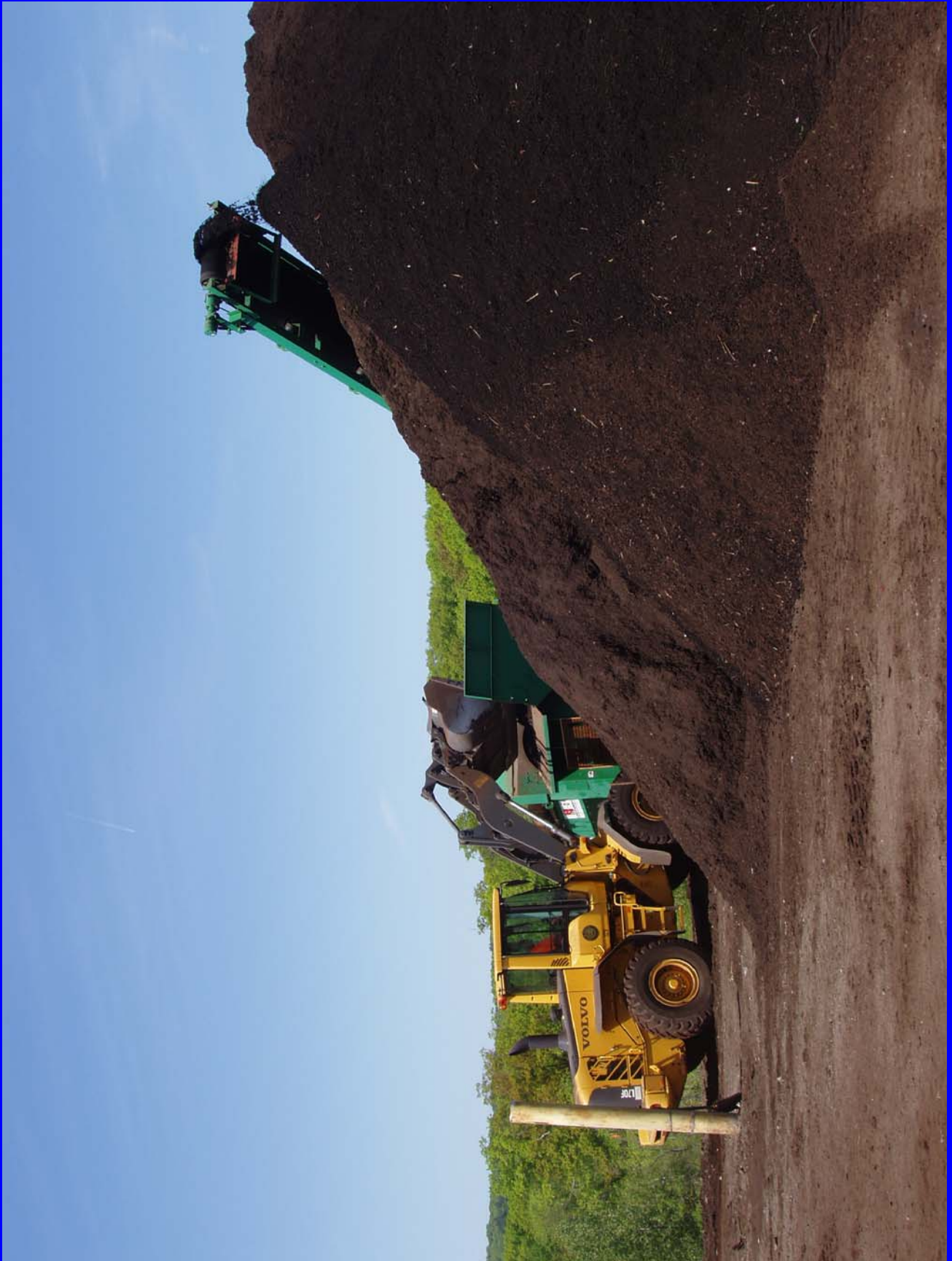
FY09 vs FY10 vs FY04-FY09 Average

No Yard Waste Taken Jan-Mar

FY010 YTD
Calls: 903











1997 Rumford Ave. Landfill Closure Report

- Continued Placement of DPW-Generated Materials. The City will continue to place street sweepings, catchbasin cleanings and excess construction fill on top of the landfill cap to the grades shown on the attached plans. These materials will be placed to allow for the continued operations proposed on top of the cap.
- DPW Stockpiling and Processing Operations. The DPW currently stockpiles and processes a series of materials including pavement, crushed sidewalks, excavated soils, loam, rock, rubble, brick and concrete. These operations will continue into the future on top of the landfill area to be capped.
- Leaf and Yard Waste Composting. The City will continue to compost leaf and yard waste on top of the capped landfill. The compostable materials are generated from City operations.
- **APPROVED – DEP on 8/13/97, 10/12/99, 6/1/09**

BENEFITS OF THE RUMFORD AVE. PROGRAMS

• LEAF COMPOSTING	\$400,000 / YR
• WASTE MATERIAL DISPOSAL	\$40,000 / YR
• AVOIDED LOAM PURCHASE:	\$100,000 / YR
• AVOIDED GRAVEL PURCHASE:	\$100,000 / YR
• VALUE OF COMPOST:	<u>\$50,000 / YR</u>
TOTAL:	\$690,000 / YR

4/29/10 DEP Composting Inspection

- Mr. Sumner Martinson, Compost Program Director
- “Your Department has demonstrated that it has the technical skill, equipment and adequate personnel to operate the site successfully, especially with the addition of the Allu Bucket which allows you to reduce size and better manage your materials.”
- “...I observed a well managed site ...
- “At several windrows there was a faint “compost aroma”, but only right at the pile. There were no indications of any strong odors away from the windrows at any point on the site.”
- “After the site inspection I drove around the surrounding neighborhood. I stopped and checked at a number of locations on each street (Rumford, Riverview, Wabasso, Staniford, & Lexington), and in the parking area behind the Apts on Lexington St. *There was no detectable odors at any of those locations.*







SETTI D. WARREN
MAYOR

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June 1, 2010

Honorable Board of Aldermen
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1000 Commonwealth Avenue
Newton, MA 02459

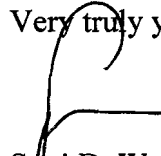
Ladies and Gentlemen:

I write to request that your Honorable Board docket for consideration a request to transfer the sum of \$62,000 from DPW Salaries Expense to the Department of Public Works, Environmental Affairs for the purpose of covering the additional cost of residential solid waste collection due to increased residential debris as a result of the March storms.


Solid waste collections were up by approximately 450 tons or 26% in the month of April as a result of the storms.

Thank you for your consideration of this matter.

Very truly yours,


Setti D. Warren
Mayor

From: DPW Salaries	
0140101-511001	\$30,000
0140102-511002	\$32,000
To: DPW Expenses	
0140111-5292	\$62,000

 06/02/2010

10 JUN -1 PM 5:08
CITY CLERK
NEWTON, MA. 02159

1000 Commonwealth Avenue Newton, Massachusetts 02459

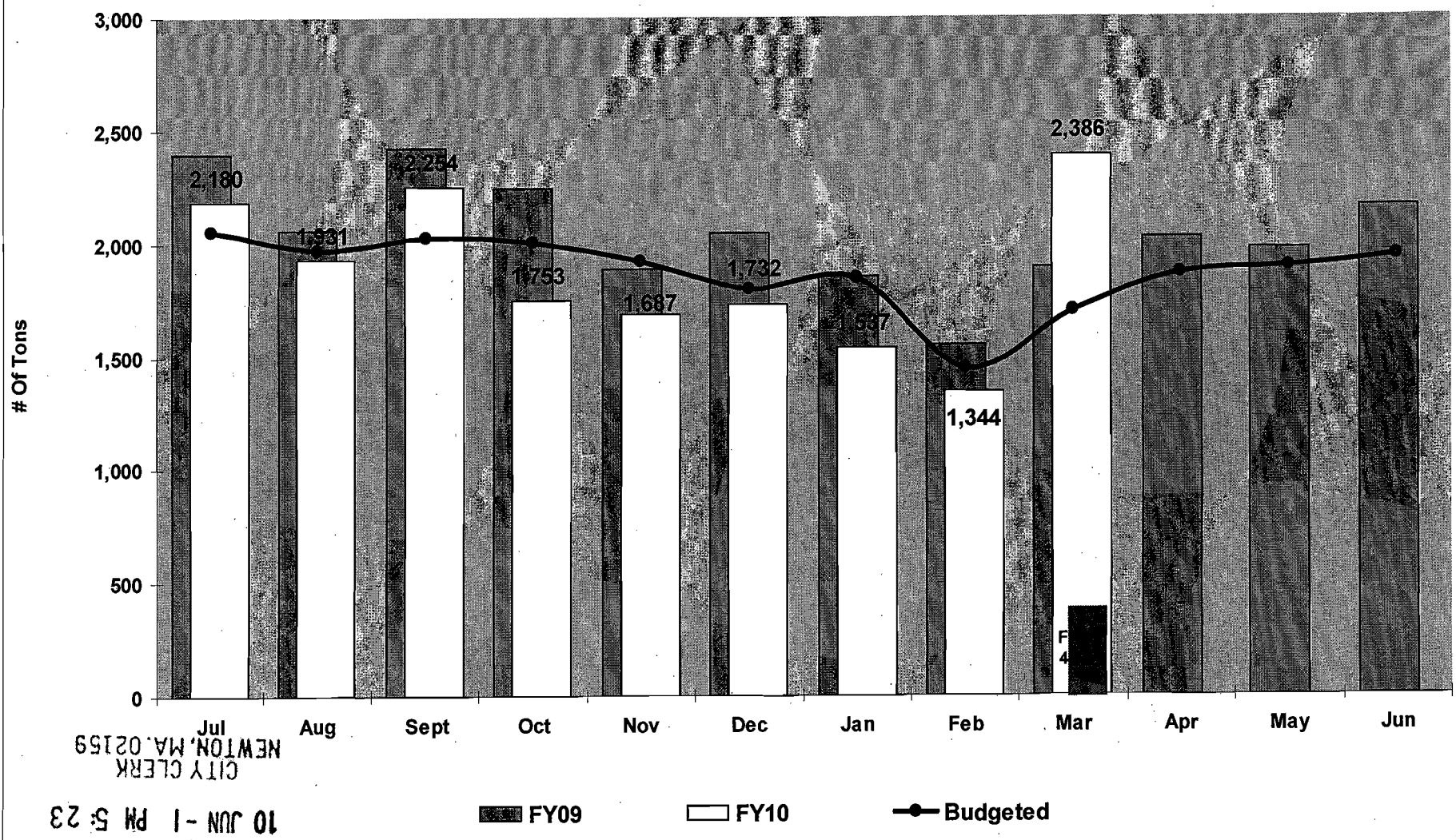
www.newtonma.gov



DEDICATED TO COMMUNITY EXCELLENCE

FY10 Budgeted Trash Tons Vs. Actual Trash Tons (Residential and City Waste)

FY10 YTD
Total: 16,803 Tons



Storm Expenses - March 2010 Rain Events

#171-10

\$115/hr for truck; \$69.20/T

Do not have these tickets

Trk #	Date	Day	Hours	Tons	Tkt #	Driver; Helper	T/Day
Amnesty							
308115	3/19/2010	Friday	8.77	8.06	246267	Gaudreau, Robert	
307463	3/19/2010	Friday	10.17	10.17	246225	Ruiz, Francisco; Ramirez Santos, Manfred	18.23
308115	3/22/2010	Monday	10.28	6.69	246527	Pineda, Esvin; Morataya, Felipe	
307463	3/22/2010	Monday	12.75	11.07	246511	Ruiz, Francisco; Ramirez Santos, Manfred	17.76
307463	3/23/2010	Tuesday	9.57	9.66	246725	Evans, Thurman; Ramirez, Santos	
308115	3/23/2010	Tuesday	9.58	12.8	246710	Pineda, Esvin; Morataya, Felipe	22.46
307937	3/24/2010	Wednes	8.57	11.33	246921	Velasco, Augustin; Serrano Allende, Jose	
307463	3/24/2010	Wednes	8.9	11.42	246868	Chebotnikov, Alek; Ramirez Santos, Manfred	
308115	3/24/2010	Wednes	10.58	13.63	246911	Pineda, Esvin; Morataya, Felipe	36.38
307569	3/25/2010	Thursday	8.50	11.05	247137	Lux De Leon, Elias; Serrano Allende, Jose	
307463	3/25/2010	Thursday	11.62	10.35	247106	Chebotnikov, Alek; Ramirez Santos, Manfred	
307937	3/25/2010	Thursday	11.28	12.23	247016	Velasco, Augustin; Berganza	
308115	3/25/2010	Thursday	11.10	12.82	247118	Pineda, Esvin; Morataya, Felipe	59.06
307937	3/25/2010	Thursday		12.61	247141	Velasco, Augustin; Berganza	
152651	3/26/2010	Friday	7.42	Did not dump		Thurman, Evans	
308115	3/26/2010	Friday	8.50	11.89	247264	Pineda, Esvin; Morataya, Felipe	
307461	3/26/2010	Friday	9.98	Did not dump		Lux De Leon, Elias; Serrano Allende, Jose	
307463	3/26/2010	Friday	10.98	12.42	247258	Chebotnikov, Alek; Ramirez Santos, Manfred	24.31
307463	3/27/2010	Saturday	7.33	7.25	247383	Mendez, Lauro; Ramirez Santos, Manfred	
307937	3/27/2010	Saturday	6.37	Did not dump		Pimental, Albert	
307462	3/27/2010	Saturday	6.17	Did not dump		Nesbitt, Lamont; Nava, Roberto	7.25
307937	3/29/2010	Monday	11.25	8.09	247469	Pineda, Esvin; Moratoya, Felipe	
307463	3/29/2010	Monday	11.88	10.07	247468	Chebotnikov, Alek; Ramirez Santos, Manfred	
307461	3/29/2010	Monday	9.75	9.02	247482	Velasco, Augustin; Serrano Allende, Jose	
307462	3/29/2010	Monday	3.67	8.63	247597	Veliz, Jose	
152650	3/29/2010	Monday	4.43	2.27	247488	Evans Jr. Thurman	38.08
307461	3/30/2010	Tuesday	3.43	8.83	247696	Velasco, Augustin; Gonzalez, Carlos	
307937	3/30/2010	Tuesday	10.5	13.45	247690	Pineda, Esvin; Moratoya, Felipe	22.28
307937	3/31/2010	Wednes	10.32	8.86	247844	Pineda, Esvin; Moratoya, Felipe	
307463	3/31/2010	Wednes	9.67	13.14	247887	Velasco, Augustin; Ramirez Santos	22.00
307937	4/1/2010	Thursday	7.25	9.77	248110	Pineda, Esvin; Moratoya, Felipe	
307463	4/1/2010	Thursday	8.38	8.91	248126	Velasco, Augustin; Ramirez Santos, Manfred	18.68
307462	4/2/2010	Friday	9.08	Did not dump		Pineda, Esvin; Moratoya, Felipe	0.00
307463	Need info on worked and dr hrs						
307462	4/3/2010	Saturday	3.88	Did not dump		Lux De Leon, Elias; Noriega-Perez, Luis	0.00
307464	4/5/2010	Monday	11.00	Did not dump		Mendez, Lauro; Cruz, Heriberto	
307462	4/5/2010	Monday	1.4	1.54	248432	Pineda, Esvin; Moratoya, Felipe	
307463	4/5/2010	Monday	2.48	7.51	248447	Velasco, Augustin; Gonzalez, Carlos	9.05
307462	4/6/2010	Tuesday	12.58	Did not dump		Lopes, Jose	
307464	4/6/2010	Tuesday	2.48	3.80	248649	Mendez, Lauro; Morataya, Felipe	3.80
307462	4/7/2010	Wednes	1.98	8.00	248863	Meyer, Rolando; Serrano, Allende	
309607	4/7/2010	Wednes	11.92	Did not dump		Pineda, Esvin	8.00
309607	4/8/2010	Thursday	10.33	5.83	249122	Lopes, Jose; Cruz, Heriberto	5.83
309607	4/9/2010	Friday	1.73	6.52	249286	Lafleur Jr, Jean	6.52
Totals			347.81	319.69			319.7

Total Costs

\$39,998.15 \$22,122.55

\$62,120.70

10 JUN - 1 PM 5:23
CITY CLERK
NEWTON, MA. 02159

March Hrs	March T
263.32	267.81
\$30,281.80	\$18,532.45

April Hrs	April T
84.49	51.88
\$9,716.35	\$3,590.10

Total Hrs	Total T
347.81	319.69
\$39,998.15	\$22,122.55

\$62,120.70

- * Rear loader trucks assigned specifically during the period indicated to collect large flood damaged materials at addresses reporting these items.
- * Large amounts of small assorted type flood damaged materials were also collected by regular route trucks with no ability to determine regular trash from flood material placed in blue carts. This tonnage is not included.
- * Collected material in two compactor units and one open box at Rumford Avenue by municipal vehicles assigned to collect flood material around the City. No way to determine this tonnage as this was mixed with regular tonnage and not included in these figures.
- * Hourly rate is determined by Waste Management payroll records. Figures do not include travel time from garage site to the City of Newton.
- * Check travel time vs collect time.

Draft ACT:

AN ACT AUTHORIZING THE CITY OF NEWTON BOARD OF ALDERMEN TO SET A HIGHER HEALTH INSURANCE CONTRIBUTION RATE FOR ELECTED OFFICIALS OF THE CITY OF NEWTON THAN IS SET FOR OTHER EMPLOYEE GROUPS

SECTION 1. Notwithstanding any general or special law to the contrary, the City of Newton, acting by and through its Board of Aldermen, is hereby authorized to set, for elected officials of the City of Newton, a percentage rate of employee contribution for total monthly health insurance premium costs to be paid by such elected officials that is higher than such percentage rate set by the City under the provisions of G.L. c. 32B for eligible non-elected active employees. Such higher rate of contribution shall be uniform for all elected officials, and shall in no event be greater than fifty percent of the total monthly health insurance premium costs, the maximum active employee contribution rate allowable under the provisions of said G.L. c. 32B.”

SECTION 2. This act shall take effect upon its passage.

PROGRAMS AND SERVICES COMMITTEE REPORT

WEDNESDAY, APRIL 15, 2009

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

#87-09 ALD. SANGIOLO, BRANDEL, FREEDMAN AND HESS-MAHAN requesting a Home Rule Petition to allow the City of Newton to require elected officials to contribute a higher percentage rate for health insurance benefits than is required for other employee groups. [03-10-09 @ 9:17 AM]

ACTION: **APPROVED 5-1-1 (Baker opposed; Merrill abstaining; Parker not voting)**

NOTE: Ald. Brandel explained that this item came out of the previous discussion concerning a proposed reduction in Aldermanic salaries for the next fiscal year. The Aldermen are classified as part-time employees and currently receive the full-time benefit of health insurance. When you look at the budget and Citizen Advisory Group reports, it is very apparent that health care benefits have a huge impact on the city's budget. One of the things that Ald. Brandel and other Aldermen have looked at is whether it is fair for part-time employees to receive a full-time benefit from the city. This item is intended to be a first step towards a larger policy discussion and possibly a larger action. The Board would be taking the lead by reclassifying its' health care treatment to make it in step with a part-time employee. It is yet to be determined what the ratio would be in terms of cost to the city and the Alderman.

Ald. Hess-Mahan thought the intention of the docket item applied only to elected officials. He did not realize that it was the intent to include other part-time groups into the discussion and is not sure he is now in agreement with the item. Ald. Hess-Mahan was looking at this as a symbolic gesture. Ald. Brandel responded that this was not intended to be a symbolic gesture but was intended to be a first step of a larger policy discussion.

Assistant City Solicitor, Marie Lawlor, joined the Committee for the discussion. Ms. Lawlor explained that health insurance benefits are governed by Massachusetts General Law Chapter 32B, which is the mechanism that the State empowers municipalities to provide health insurance for employees. It is a very convoluted statute and very difficult to understand. She stated that the distinction is not part-time versus full-time in terms of what you can do for percentage of employee contribution. Eligibility of Aldermen or any elected official for health insurance is included in the definition of employee in Chapter 32B. Employee under that statute includes anyone in the service of the government, who receives compensation whether employed, appointed, or elected. There is a proviso that states if the employee works a minimum of 20 hours per regular work week. There is an exception for elected officials as to the 20-hour requirement, which states that an elected official is eligible regardless of the number of hours worked because the determination can be made that they are going to be deemed to work over 20 hours a week. The exception is a may. Later in that same section, it states that the Mayor of the city or town determines whether elected officials are going to be eligible. The Law Department had an occasion to research this issue for another purpose and found that there was no written Mayoral determination made. However, the policy of the city has been this way for many years that it is pretty fair and reasonable to say that at some point a Mayor determined that elected officials would be eligible for health benefits. There are two ways that Aldermen could be eligible for health benefits. The first is through Mayoral determination or each Alderman would have to go through an individual analysis to determine if they worked 20 hours per week. It has always been the policy of the city that elected officials are eligible for health insurance.

Ms. Lawlor went on to address what the Aldermen can do in terms of the percentage rate paid by elected officials for health insurance. In general, Chapter 32B requires uniformity of contributions rates that employees pay towards the monthly cost of the health insurance. There are two types of health insurance. Under indemnity plans, the law requires that the rates be uniform across all employees; however, the city no longer offers indemnity plans. The city offers HMO plans and for HMO coverage, the law states that the employee must contribute between 50% and 10% of the cost. The rate within that range is determined by the local process but for unions alone the rate must be 10% unless a different rate is agreed to within that range by the collective bargaining process. For all other active non-union employees the rate is set by the normal political process and must be uniform with those groups. For the Aldermen to set a different contribution rate for elected officials it would require a special act. Ms. Lawlor prepared draft language, which was attached to the agenda for review. Ms. Lawlor pointed out that the Aldermen need to make a determination on who should be included under the definition for elected officials in the draft language.

Ald. Baker stated that there are members of the Board that do not take advantage of the health insurance benefit. He has some misgivings regarding making an exception in a policy, which is ultimately going to be part of the compensation that is negotiated with the collective bargaining process that is an executive and not a legislative function. It seems to be getting into something far beyond the scope of what was intended. He respectfully cannot support the item. Ald. Hess-Mahan thought the item was going to be much simpler, as it turns out it is a far more complex issue. He is currently unable to support the item, which does not mean he does not think the Board should be taking the lead by asking itself to pay higher premiums. He feels that the employees of the city should also be asked to pay higher premiums. However, he does not associate himself with the comments about taking health insurance benefits away from part-time employees. Ald. Sangiolo responded that the item before the Committee only addresses elected officials. She felt that the Mayor should not be included as part of the request for special legislation language to require elected officials to contribute a higher percentage rate for health insurance benefits, as the Mayor is a full-time employee. Ald. Hess-Mahan was willing to support the item, as long as it only includes the Board and School Committee. Ald. Freedman feels that the growth of health insurance costs is killing the city's budget. The current trend suggests that the costs of health care benefits are going to rise between 11% and 12% next year. He pointed out that the city will be paying between \$15 and \$16,000 for a part-time person's benefits, which is approximately what a part-time person is being paid. He thinks it is a statement to say that the Board is willing to take some reasonable decrement in what the City is contributing towards health benefits. Ald. Parker suggested looking at other ways to compensate part-time employees instead of health insurance benefits. Ald. Gentile felt that health insurance might be an incentive to run for the Board or School Committee. He would like some formal input from the School Committee before any action is taken on the item. Ald. Freedman agreed that there should be an effort to get some input from the School Committee and suggested sending a letter. Ald. Sangiolo suggested that the item be moved subject to second call in order to move it out of committee. Ald. Gentile reminded the Committee that the item is also referred to the Finance Committee, which should allow ample time to get a response from the School Committee before the item reaches the floor of the Board. Ald. Freedman moved approval of the item with the exclusion of the Mayor from the request for special legislation to allow the City of Newton to require elected officials to contribute a higher percentage rate for health insurance benefits than is required for other employee groups.

BOARD OF ALDERMEN

CITY OF NEWTON

09 MAR 10 AM 9:17

DOCKET REQUEST FORM

CITY CLERK

DEADLINE: **NEWTON, MA 02158** Aldermanic Rules require items to be docketed with the Clerk of the Board
NO LATER THAN 7:45 P.M. TUESDAY, PRIOR TO THE MONDAY FULL BOARD MEETING in
 order to be assigned to Committee(s) and voted for inclusion that evening.

To: Clerk of the Board of Aldermen

Date: March 10, 2009From (Docketer): Ald. Sangiolo

Address: _____

Phone: _____

E-mail: _____

Additional sponsors:

Ald. Brandel, Freedman, Auss-Mahen

1. Please docket the following item (it will be edited for length if necessary):

Ald. Sangiolo and Brandel requesting a home rule petition to allow the City of Newton to require elected officials to contribute a higher percentage rate for health insurance benefits than is required for other employee groups

2. The purpose and intended outcome of this item is:

- | | |
|--|---|
| <input type="checkbox"/> Fact-finding & discussion | <input type="checkbox"/> Ordinance change |
| <input type="checkbox"/> Appropriation, transfer, | <input type="checkbox"/> Resolution |
| <input type="checkbox"/> Expenditure, or bond authorization | <input type="checkbox"/> License or renewal |
| <input type="checkbox"/> Special permit, site plan approval, | <input type="checkbox"/> Appointment confirmation |
| <input type="checkbox"/> Zone change (public hearing required) | <input checked="" type="checkbox"/> Other: <u>Home Rule</u> |

3. I recommend that this item be assigned to the following committees:

- | | | |
|---|--|--|
| <input checked="" type="checkbox"/> Programs & Services | <input checked="" type="checkbox"/> Finance | <input type="checkbox"/> Real Property |
| <input type="checkbox"/> Zoning & Planning | <input type="checkbox"/> Public Safety | <input type="checkbox"/> Special Committee |
| <input type="checkbox"/> Public Facilities | <input type="checkbox"/> Land Use | <input type="checkbox"/> No Opinion |
| <input type="checkbox"/> Post Audit & Oversight | <input type="checkbox"/> Committee on Community Preservation | |

4. This item should be taken up in committee:

- ☐ Immediately (Emergency only, please). Please state nature of emergency:

- ☒ As soon as possible, preferably within a month
- ☐ In due course, at discretion of Committee Chair
- ☐ When certain materials are made available, as noted in 7 & 8 below
- ☐ Following public hearing

PLEASE FILL OUT BOTH SIDES

5. I estimate that consideration of this item will require approximately:

- ☐ One half hour or less
☐ More than one hour
☐ More than one meeting

- ☐ Up to one hour
☐ An entire meeting
☐ Extended deliberation by subcommittee

6. The following people should be notified and asked to attend deliberations on this item. (Please check those with whom you have already discussed the issue, especially relevant Department Heads):

City personnel

Citizens (include telephone numbers/email please)

- ☐ _____
☐ _____
☐ _____
☐ _____

- ☐ _____
☐ _____
☐ _____
☐ _____

7. The following background materials and/or drafts should be obtained or prepared by the Clerk's office prior to scheduling this item for discussion*:

8. I ☐ have or ☐ intend to provide additional materials and/or undertake the following research independently prior to scheduling the item for discussion. *

(*Note to docketer: Please provide all additional materials to the Clerk's office by Noon on Friday before the Committee meeting where it will be discussed. The materials must be provided in both electronic form and hard copy. This will give Aldermen a chance to review all relevant materials before discussion. Materials not submitted 48 hours in advance of a meeting will require a vote to suspend the rules the night of the Committee's discussion in order to allow the material to be presented.)

Please check the following:

9. ☐ I would like to discuss this item with the Chairman before any decision is made on how and when to proceed.
10. ☐ I would like the Clerk's office to contact me to confirm that this item has been docketed. My daytime phone number is: _____
11. ☐ I would like the Clerk's office to notify me when the Chairman has scheduled the item for discussion.

Thank you.

Amy Mah Sangiolo
 Signature of person docketing the item

[Please retain a copy for your records]